

SENATE FOREIGN RELATIONS ROUNDTABLE DISCUSSION

Thursday, April 7, 2005

U.S. Senate

Foreign Relations Committee

Washington, D.C.

The committee met, pursuant to notice, at 3:00 p.m. in
Room SD-419, Dirksen Senate Office Building.

PAUL FOLDI: Paul Foldi, welcome, we all know why we're here, this is on the record.

MALE SPEAKER 1: We should go --

PAUL FOLDI: Do you have any parameters?

MALE SPEAKER 1: For the purpose of the transcription.

PAUL FOLDI: Yeah, can we go around the room? Do you need a piece of paper, or -- ?

REPORTER: I've got a piece of paper, if you just want to introduce yourself.

PAUL FOLDI: Sure, let's just start, let's start at the head of the table.

JAY BRANEGAN: Jay Branegan, Senate Foreign Relations Committee, Republican side.

JENNIFER GERGEN: Jennifer Gergen, Foreign Relations Committee, Republican side.

FRANK JANNUZI: Frank Jannuzi, Senate Foreign Relations Committee, Minority Staff.

PAUL FOLDI: Paul Foldi, Luker Staff.

EDWARD LEVINE: Of the Foreign Relations Committee. Edward Levine, Foreign Relations Committee, Minority Staff.

BRIAN McKEON: Brian McKeon, Foreign Relations, Democratic Staff.

JANICE O'CONNELL: Janice O'Connell, Foreign Relations, Democratic Staff.

ANTONY BLINKEN: Antony Blinken, Minority Staff Director,

Foreign Relations Committee.

PATRICIA McNERNEY: Patricia McNerney, State Department.

FREDERICK FLEITZ: Fred Fleitz, State Department.

BRUCE BROWN: Bruce Brown, State Department.

MIKE MATTLER: Mike Mattler, State Department.

PAUL FOLDI: I think we're going to go around the table with the questions.

MIKE MATTLER: Can we, let's talk about this whole thing that we'll be going through the next couple of days, some of the parameters.

We're here to talk about the issues surrounding the clearance of the speech in '02, dealing with Cuba biological capabilities. And we have Fred here, as you know, we'll have Westerman over later this afternoon, and tomorrow, when Finger gets back in town, I think there are arrangements to bring him up, and the possibility of bringing up Silver on Monday, he's out of town on official business this weekend.

On the issue of the documents, our lawyers are going through them right now, we'll be back in touch with you, probably tomorrow, on the modalities of how we'll work with that. So, any question on the parameters?

BRIAN McKEON: Well, let me just say, for the record, and mild reservation or warning that we may have to do this a second time, because if there are things in the documents

that we see that lead to other questions, it's obviously more helpful to have the documents first before we do this. And we're not in a SCIF, so we can't get into classified materials, so if there's issues of a classified nature that we need to talk about, then, that also may necessitate another session.

MIKE MATTLER: Your point is noted, Brian.

PAUL FOLDI: All right, you want to start? Should we start with a recounting or do you want to just go to straight questioning?

BRIAN McKEON: Let us start with some basic questions about Mr. Fleitz and who he is and his position, and then Ed's going to take the lead for us.

EDWARD LEVINE: Sort of, who are you and how'd you get there?

FREDERICK FLEITZ: My name is Frederick Fleitz, I'm a CI officer on detail to John Bolton's staff as a Special Assistant, I've been on detail since August 2001. I've been a CI officer for nineteen years, and I came the, a CI WINPAC, the Weapons Intelligence Non-Proliferation and Arms Control Center. I've done some work in WMD, most of my work has been on international organizations, and I played a role in drafting the speech, and look forward to answering your questions.

BRIAN McKEON: How did you come to be detailed in Mr. Bolton's office?

FREDERICK FLEITZ: In -- it's not unusual for Agency officers to be deployed to the State Department, there's probably about half a dozen of us. In early 2000, 2001, Mr. Bolton had asked that I be detailed, since he had worked with me during the first Bush Administration, I also handled UN issues when he was the Assistant Secretary of State for International Organizations, and he had asked that I be sent to him.

BRIAN McKEON: Can you just describe your job responsibilities in NT?

FREDERICK FLEITZ: I'm the acting Chief of Staff for the T front office, and I also have responsibilities with WINPAC and I perform liaison function for the Agency and Mr. Bolton.

PAUL FOLDI: And, I'm sorry, did you say when you started in that position?

FREDERICK FLEITZ: August 2001.

BRIAN McKEON: And have you been -- for the three and a half, going on four year period you've been there -- have you been acting Chief of Staff, or did you have other positions and other duties?

FREDERICK FLEITZ: I came on as a Special Assistant in August 2001, and sometime in 2002, the Executive Assistant left, and I took this, the responsibilities of this job had

actually been passed to me, and they just weren't able to find another Chief of Staff, so I just kept performing those duties.

EDWARD LEVINE: Turning to the speech of -- what was the original intended audience for the speech, how did it come about that there was a need to write this speech?

FREDERICK FLEITZ: Well, in late 2000, Mr. Bolton gave a presentation to the fifth Biological Weapons Convention Review Conference in Geneva.

BRIAN McKEON: One clarification, it would have had to have been 2001, 2000 was --

FREDERICK FLEITZ: Two thousand, I'm sorry, you're right.

JANICE O'CONNELL: Two thousand one.

FREDERICK FLEITZ: Two thousand one, you're right. I wasn't off in 2000, I'm sorry. In Geneva, it was probably in November, and it was a speech in which he named names of rogue states with BW programs. And, when he gave that speech, he had named Iraq, Iran, North Korea, Syria, Sudan and Libya. When he gave that speech, he asked, "Do we have anything on the Cubans?" And I replied, and other intelligence officers replied, "There is some material on the Cuban BW program, but it's highly classified." And he said, "Well, let's put it in the BWC speech." There wasn't enough time to get an Agency process rolling to do it for the BWC speech, so he said, "Let's try to de-classify it

for a speech that I'll give sometime in 2002." And, initially, we were thinking that the speech would be given to CSIS, but -- and frankly, I had forgotten that, but I've pulled a lot of documents for you folks over the last few days -- and in January he said, "Well, let's get moving," and we asked the intelligence community to see if it was possible to de-classify some language on the Cuban BW program -- which was taken, verbatim, from three highly classified documents -- and we incorporated into the draft most of the material that was used at his BWC speech.

JANICE O'CONNELL: Who's we?

FREDERICK FLEITZ: Mr. Bolton's staff. And we worked on the speech, and it was postponed several times, he ended up delivering it in May of 2002 at the Heritage Foundation.

EDWARD LEVINE: What did you send to Chris Westerman?

FREDERICK FLEITZ: I sent an e-mail to Mr. Westerman, it was a top-secret SCI e-mail that -- I either sent from a computer that I was using in INR, or my CIA computer, I don't know which, but -- that had language taken from three discrete SCI documents, asking him to relay this language to the intelligence community. And WINPAC, at the time, was responsible, they had an officer who coordinated these things. I asked him to relay this language to see whether it could be used in an un-classified speech.

PAUL FOLDI: So, I'm sorry, you had three different

sources?

FREDERICK FLEITZ: Yes.

PAUL FOLDI: And you sent it to Mr. Westerman and said --
what? Get -- is any of this de-classified? Or -- ?

FREDERICK FLEITZ: We took the sentences that, now, some of
the sources were on other subjects, we took the sentences
on, that suggested a Cuba BW effort, and sent them to him,
and asked him if this could be de-classified.

FRANK JANNUZI: When was this?

FREDERICK FLEITZ: This was in, I'd say the ninth or tenth
of February 2002.

BRIAN McKEON: You didn't send the whole speech, you sent -
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FREDERICK FLEITZ: No, no.

BRIAN McKEON: These three, three excerpts from --

FREDERICK FLEITZ: This was, this was our efforts to
prepare the speech, this was the Cuba portion of the
speech. In fact it was just a narrow part of the Cuba
portion.

EDWARD LEVINE: Is this e-mail in your files?

FREDERICK FLEITZ: Yes.

JANICE O'CONNELL: Is the draft speech?

FREDERICK FLEITZ: Well, there was no speech in February
2002. We sort of, kicked it around for a number of months,
because Bolton had a lot of other commitments, and we

couldn't work out a date for him to deliver it, there was a Presidential trip to Latin America, we didn't want to give it while he was there, the draft was not available for clearance until late April 2002.

PAUL FOLDI: So, at one point you sent these three sources to Mr. Westerman.

FREDERICK FLEITZ: No, I sent language from the sources --

PAUL FOLDI: I'm sorry, language from the sources.

FREDERICK FLEITZ: Yes.

PAUL FOLDI: And then, would you then -- I'm trying to just understand the process, and then -- so when the speech is, in its totality ready, was it also sent to Westerman?

FREDERICK FLEITZ: Oh yes, the entire speech was sent for formal clearance.

PAUL FOLDI: But what happened when the first, that first, "Hey, take a look at these," was sent to Westerman. What was he supposed to do under normal routine procedures, did he do that, what happened?

FREDERICK FLEITZ: Well, under the procedures, INR is supposed to relay requests for de-classification like this, requests like this, to the intelligence community, and the community will then send the requests around to all the various agencies.

JANICE O'CONNELL: Who in the community?

FREDERICK FLEITZ: Well, it would be --

JANICE O'CONNELL: Who's the focal point?

FREDERICK FLEITZ: That's a good question, it would be --
it would be sent to the DeMarche coordinator at WINPAC --

JANICE O'CONNELL: Why WINPAC?

FREDERICK FLEITZ: At the time, that was the way it was
done. And, in fact, a lot of the e-mails you'll see when
you review this -- from me and from Chris Westerman --
refer to this person as "DeMarche Coordinator" in
parentheses next to her name. It was the way it was done
at the time.

PAUL FOLDI: I'm sorry, WINPAC is at the CIA?

FREDERICK FLEITZ: WINPAC is the Director of Intelligence
Office for Weapons Intelligence Non-Proliferation and Arms
Control at the CIA.

BRIAN McKEON: So, just to be clear, this is for speeches
on arms control, WMD, not all speeches for IC clearance go
directly to WINPAC as a start.

FREDERICK FLEITZ: Well, that would be correct, but most of
all the speeches -- but to answer your question, they would
send it to NSA, DIA, they would send it back out to INR,
usually that would be --

JANICE O'CONNELL: This is a public speech, so why would
the National Intelligence Council -- ?

FREDERICK FLEITZ: The National Intelligence Council was
sent a copy also. And that was WINPAC's responsibility to

send it to the National Intelligence Council, and it was sent to the National Intelligence Council. And, Patty makes a good point, DOE intelligence also would be sent a copy by the WINPAC DeMarche Coordinator, or the clearance coordinator.

EDWARD LEVINE: You've said that, under the procedures, that's the way it would happen. Are there written procedures?

FREDERICK FLEITZ: Not that I'm aware of.

PAUL FOLDI: So, that's what's supposed to happen, and then what -- WINPAC collects comments and then sends it back to INR?

FREDERICK FLEITZ: Yes.

PAUL FOLDI: Saying, and is it agency specific? CIA says, "You can say this," DIA says, "You can't say that," or is it, whatever you get, you just get the cleared product.

FREDERICK FLEITZ: They will send back a response saying, "This is what the IC has decided to clear."

PAUL FOLDI: Oh, so this is what they come back with.

FREDERICK FLEITZ: That is the response they sent, they sent a response in late February 2002, it was a document that we shared with you.

JANICE O'CONNELL: Is it late?

FREDERICK FLEITZ: WINPAC, in late February 2002.

JANICE O'CONNELL: It took them from the ninth or tenth

until late February to clear?

FREDERICK FLEITZ: It's typical for this type of thing.

The memo was from --

BRIAN McKEON: This is just on these three --

FREDERICK FLEITZ: This was on --

BRIAN McKEON: Three excerpts that you first started with.

FREDERICK FLEITZ: This is from the excerpts. And the e-mail was to Greg Tillman who was the Director of Mr.

Westerman's office, I forget who sent it, but as I said, this is a document you have to be shown, I don't have it with me, and it said, "The IC clears the following language," and that's the language that Mr. Bolton used in his speech.

ANTONY BLINKEN: Can you tell us what, if any, you may not be able to get into this, but can you tell us -- first of all, whether there were discrepancies between the language you proposed to be cleared, and the language that was cleared for use?

FREDERICK FLEITZ: The language was significantly different. The IC's view was that a lot of what Mr. Bolton wanted to say was too sensitive, or there were -- this is several years ago, I can't remember -- I think there was some, there may have been an operational concern, but they cleared -- the text they cleared was about half the length of what we had proposed, and it read, it read a little

differently. And, but they said they wanted to work with Mr. Bolton, and find a way to let him say this if it was possible, and Mr. Bolton was content with what they offered.

JANICE O'CONNELL: Did they have a copy of the paragraph that characterized the 1998 defense assessment, that Mr. Bolton characterized as, I think, as "unbalanced"?

FREDERICK FLEITZ: I think I know what document that is, and I --

JANICE O'CONNELL: It's his speech. It's the speech he gave at Heritage.

FREDERICK FLEITZ: He said the '98 assessment was unbalanced?

JANICE O'CONNELL: Yes.

FREDERICK FLEITZ: I don't recall that.

PAUL FOLDI: So, [microphone noise] WINPAC supposedly has sent it back. So, did Westerman do something different, additional? Out of line, out of sequence?

FREDERICK FLEITZ: Well, I had asked Mr. Westerman to relay this language to WINPAC. Now I also sent a back channel, the same request to WINPAC on my Agency machine to tell them that it was coming. This was simply because I have two bosses, and I wanted to let them know that this was coming to make sure it was acted upon. And after they received Mr. Westerman's e-mail, it may have been a fax --

whatever the form of communication is, it is a document that will be shown to you -- the WINPAC DeMarche Coordinator called me and said she was confused, because she had received a document from Mr. Westerman that said, had the language that we were proposing for Mr. Bolton's speech, but it also had a sentence saying, "INR does not concur with this, and proposes you approve the following formulation instead." And, he did that without telling me, or anyone in Mr. Bolton's office.

[Cell phone ring.]

FREDERICK FLEITZ: So, I asked Mr. Westerman for an explanation, and he responded in an e-mail that said, "I sent your language intact to WINPAC, I only added source numbers so they could help de-classify it."

PAUL FOLDI: And what you sent over there was three sources, was that language that either your or Mr. Bolton had written? Or were these three sources that referenced this issue, and you were just trying to de-classify --

FREDERICK FLEITZ: What I sent Mr. Westerman was the language derived from these three sources -- they were sentences taken verbatim from these three sources -- and the serial numbers of the sources so he could look them up. So, when he sent this request to the CIA, they could check the material from which it was coming, to make sure we quoted it accurately, and Mr. Westerman did relay the

source numbers of what we wanted to have de-classified, so everyone was aware of what documents we were referring to.

JANICE O'CONNELL: Did you send that e-mail to anybody else?

FREDERICK FLEITZ: No, I -- well, the e-mail to Westerman was sent only to Westerman, but I did send a tip-off e-mail to WINPAC to tell them something was coming from Westerman, related to a speech that Mr. Bolton would be giving.

JANICE O'CONNELL: But not the substance of what it was? Not the identical text.

FREDERICK FLEITZ: I don't recall, I'd have to look at it.

ANTONY BLINKEN: Did you ask Westerman for an explanation about the discrepancy between what WINPAC said had happened, what he said happened, in response to you?

FREDERICK FLEITZ: I told him that, I sent him an e-mail saying, "Christian, WINPAC tells me that INR sent, that you sent the language to WINPAC, but with a note attached to it disputing the language and asking that other language be approved instead. Is this true?" And his response was, "I sent your language intact, I only added sources and citations to help them de-classify it." And I told him, and this didn't seem to be what really happened.

FRANK JANNUZI: You said that under ordinary procedure, the WINPAC DeMarche officer would circulate the language to,

let's say, DIA, INR, and others might be involved in the clearance process, is that correct?

FREDERICK FLEITZ: Yes.

FRANK JANNUZI: So, the language that you sent, ordinarily would have been sent back to INR for their formal clearance.

FREDERICK FLEITZ: That's correct.

BRIAN McKEON: But, would it be out of the ordinary for the INR person in forwarding it to the DeMarche Coordinator to just save a step and say, "Here's what is sought for clearance, please run it through the IC, but here's our comments now."

FREDERICK FLEITZ: Well, WINPAC didn't read it that way when I was called --

BRIAN McKEON: That wasn't my question, that wasn't my question.

FREDERICK FLEITZ: It would, it is not the procedure. The procedure is that INR -- the procedure as I understand it as an intelligence officer, and I've been through a lot of these things -- is that, in a situation like this, whatever, whoever the person is relaying the information is being trusted to be a neutral party to relay this to the IC, so each IC office could look at it without prejudice. Mr. Westerman's comments prejudiced the review, and it was written in such a way that WINPAC relayed to me that they

were confused, they didn't know what they were being asked to clear. And there is an e-mail that says this.

ANTONY BLINKEN: Did you ever see the alternative Westerman language?

FREDERICK FLEITZ: I've seen it twice. I saw it after Mr. Westerman was called up to Mr. Bolton's office and showed it to us, and I saw it again this morning. Because it was, it is, it's an SCI document, and we looked at it, and it said, it read as I just told you.

ANTONY BLINKEN: How much did it differ from the language that you were seeking to have cleared, and how much did it differ from the final text that Undersecretary Bolton actually used in his speech?

FREDERICK FLEITZ: I seem to remember significant difference, but I can't say, I can't give you the specifics. It's been too long ago.

BRIAN McKEON: Can I go back to procedure, I just want to understand this -- was it extraordinary, in your view, for an INR officer to do what he did? I mean, why not save a step in that way? Why would it, I don't understand why it would prejudice others if it just went to WINPAC, WINPAC wouldn't -- isn't it two separate documents? Your document, and his document with comments?

FREDERICK FLEITZ: Didn't do it in two separate documents, he actually did it in one e-mail. And when you see this document you'll see, it's one, it's one piece of paper.

And the recipient thought it was confusing, and later Mr. Westerman's supervisor told Mr. Bolton it was inappropriate in an e-mail, which I know you've seen.

BRIAN McKEON: Well, no, I believe what was said in that e-mail was the phrase, "Do not concur," was inappropriate, I'm still trying to get to what's the ordinary practice of an INR officer, and whether it's ordinary or not.

FREDERICK FLEITZ: Mr. Finger said in an e-mail, "We screwed up," so I think it's pretty clear, when the supervisor says, "We screwed up," someone didn't follow procedures. And as a nineteen year veteran of the Agency, I know this was not procedure, and my supervisors wouldn't have allowed me to carry out a task like this in the way he did.

PAUL FOLDI: So, normal procedures for INR is to send it to WINPAC and WINPAC farms it out. At what point does INR on that proposed language?

FREDERICK FLEITZ: Well, INR would be allowed to get back to WINPAC later --

PAUL FOLDI: Hold on for a second, who's just walked in?

[Change in reporters.]

PAUL FOLDI: Do we need to stop here?

REPORTER: If you took a break for three minutes, it would help us.

PAUL FOLDI: Okay.

(Discussion of recess. Recess.)

PAUL FOLDI: I think we were at the point where we were trying to decide, is this standard operating procedure? And you said, "No," and that's where we left the figures.

EDWARD LEVINE: When you sent your e-mail to Mr. Westerman, between that time and when the DeMarche Coordinator e-mailed to you, was there any discussion between you and INR about this language?

FREDERICK FLEITZ: There was a discussion that I had with Christian before I had actually -- Christian and I had a discussion before he sent the language out. He disagreed with it.

JANICE O'CONNELL: What did he disagree with?

FREDERICK FLEITZ: He disagreed with the language we were proposing. Some of his disagreements were in e-mails, some of it was orally. I may have stopped down in his office a few times, he didn't want to send the language over based on the source materials I had provided him. He had asked that I obtain the intelligence on which the source material was based. This was materials with three published IC products, and he said I should provide the source documents behind them. And I told him that was unreasonable, that I was going to rely on agreed upon IC language on the question, and I was unable to obtain the source documents, so that was one point he raised, and he dropped that. And

eventually he sent the language over as I had requested, with the footnotes to the source documents referenced.

PAUL FOLDI: To the IC documents, or to the document the IC's -- ?

FREDERICK FLEITZ: No, the published IC documents.

Basically, he was asking for the raw intelligence behind the published documents, and I said I had no way of finding it, and I wanted him to send this based upon the published IC documents.

FRANK JANNUZI: The source documents were never determined?

FREDERICK FLEITZ: No, it is procedure for the IC that when a request like this comes over the IC will go to the Office of Published Documents, and will look at the sources to make sure that if a de-classification is made, sources and methods will not be placed at risk, which I knew when I submitted it because I've done this before. You have to provide some clue as to the source, and we have provided them with enough.

PAUL FOLDI: Was this the first time you and Mr. Westerman had had a disagreement?

FREDERICK FLEITZ: I don't think so. I can't remember, I mean, this sticks out in my mind, but I can't think of a prior instance.

PAUL FOLDI: And had you worked with him -- ?

BRIAN McKEON: There was a first time?

FREDERICK FLEITZ: I can't say, I can't recall. I know that issue sticks out in my mind.

PAUL FOLDI: Had you worked with him, then, on other products?

FREDERICK FLEITZ: I know we had some discussions on some operations in 2001, some speeches or requests for Mr. Bolton, because he was the analyst who handled some of the WD account.

PAUL FOLDI: But at that time there had not been any disagreements?

FREDERICK FLEITZ: I can't say whether there were or not, I just can't say.

JAY BRANEGAN: When you sent this language over the first time to Mr. Westerman, had Mr. Bolton had any input into picking the three sentences, or did he seem that it was just you, yourself, as a speech writer and Chief of Staff?

FREDERICK FLEITZ: Mr. Bolton had seen at least two of the source documents, but he didn't direct which sentences would be taken, he just said, "See how much of this can be de-classified," and I made a judgment on what appeared to be de-classifiable, and we took a shot.

JANICE O'CONNELL: And did these source documents come up, or did you get them directly from the Agency? Wouldn't you log classified documents in?

FREDERICK FLEITZ: Well, the current versions are logged

into our SCIF, we have an FCI SCIF, we're allowed to retain classified documents at this level where they're logged in.

BRIAN McKEON: When you say "we" who do you mean?

FREDERICK FLEITZ: The key front offices allowed to maintain them in an alarmed SCIF.

EDWARD LEVINE: This was true at the time?

FREDERICK FLEITZ: No, not at the time, at the time we worked out of INR, they had a SCIF. Everything they had at the SCI level was kept in the case, Westerman's, in his suite, it wasn't near his office.

ANTONY BLINKEN: How would you characterize the initial disagreement with Christian Westerman before he sent the language out? As you described it, he raised problems with you -- how would you characterize the tenor when he asked the problems, and your reaction?

FREDERICK FLEITZ: He seemed to have some significant differences with the language. I can't characterize them right now, I would have to review what he said at the time.

PAUL FOLDI: I want to go back, because I know where we did leave off, it was with my question. You said that one of the problems in this was that INR, in essence, prejudiced -- your words -- the product that they were sending to WINPAC, but then again, you said that WINPAC then gives it to DCI, and my question -- that I don't think I got answered -- was when did INR put its chop or comments onto

the language in this process?

FREDERICK FLEITZ: Typically, when they hear from WINPAC they will send out another e-mail to WINPAC with their view.

PAUL FOLDI: So, WINPAC says, "Here it is," and INR can either go, "Yeah, that's great," or "That's great, but -- "

FREDERICK FLEITZ: Yes.

ANTONY BLINKEN: You referenced an e-mail from Mr. Westerman's supervisor saying a mistake had been made.

FREDERICK FLEITZ: Yes.

ANTONY BLINKEN: Is it also accurate -- it's my recollection of the e-mail that he said, I believe he said something to the effect of, Westerman was simply trying to flag a problem?

FREDERICK FLEITZ: I believe he said that, yes.

ANTONY BLINKEN: So he seemed to be, at least acting in good faith when he said he was trying to avoid a problem?

FREDERICK FLEITZ: I think Christian's a nice guy, I'm not criticizing him personally, I'm not accusing him of doing anything for base reasons, but that e-mail also said, "We screwed up, it won't happen again," and that was my read of it, and that was the read of Tom Finger.

FRANK JANNUZI: Did you know Mr. Westerman has an analyst?

FREDERICK FLEITZ: No, we have never met.

FRANK JANNUZI: Is that common, given the size of the Intel

Community?

FREDERICK FLEITZ: I worked on slightly different issues than he worked on.

JAY BRANEGAN: So when you and Mr. Westerman had the conversation after you learned from WINPAC that he had added these editorial comments, and he appeared to deny that he had made these editorial comments to you?

FREDERICK FLEITZ: Yes.

JAY BRANEGAN: Was that the end of that conversation? What happened after that?

FREDERICK FLEITZ: I had sent him an e-mail saying, "It appears that INR -- it appears that you sent an email to WINPAC disputing our language, saying it was wrong, and you substituted an alternative, did you do this?" And he said, "I sent you language attached, I only added the source citations for the use of the IC. This is an e-mail which you can see, it's black and white. And I sent an e-mail then, something to the effect that, "Please bring my document, and yours, up to the T front office immediately."

JAY BRANEGAN: Did you do that?

FREDERICK FLEITZ: Yes.

PAUL FOLDI: Is that normal? In other words, you've got T and you've got INR, so was there a reason that the INR front office wasn't called to say, "Hey, we have a problem with one of your analysts? I mean, the relationship

between T and individual analysts -- was that unusual? For an individual analyst to be called up?

FREDERICK FLEITZ: It wasn't really unusual. As an intelligence office, my job and his job is to serve policy makers. And we have INR officers come up to T fairly frequently with material.

PAUL FOLDI: And they don't need INR's blessing?

FREDERICK FLEITZ: No, it's fairly decentralized, and this particular office was responsible for serving Mr. Bolton and the key bureaus, and this is just the way things operate.

ANTONY BLINKEN: When he brought his document up, how did he explain, or did he explain, or did you ask him to explain his version, and he previously denied that there was such a version?

FREDERICK FLEITZ: Well, I sent an e-mail to Mr. Westerman, as I had said, and when he came up to the front office, I had instructions from Mr. Bolton to bring him into Mr. Bolton's office, and Christian went into Mr. Bolton's office, and I accompanied him. And Mr. Bolton looked at the e-mail, or the document -- whether it was faxed or e-mailed, I don't know, but we can establish that looking at the documents -- and he said something like, "What gives? What did you do?" And, I mean, my view, and Mr. Bolton's at the time was, we don't know what happened here, this guy

may have screwed up, but these things happen. But he didn't defend what he did, he argued on the substance of what we had asked to be de-classified. He ignored the fact that he had earlier sent an e-mail that tried to claim he had not sent alternate language, and he argued with Mr. Bolton over the substance of the language that we were asking to have de-classified. Mr. Bolton was not happy about this, and said, "I trusted you to relay this to the Intelligence Community on my behalf, and how can I trust you to get the word out for me for a fair evaluation when you do something like this and then not telling me about it?" He said, "You're welcome to disagree with me, but not behind my back." And I almost could hear him saying that.

EDWARD LEVINE: But you knew he disagreed with you, because you had had conversations with him over a period of time after you initially submitted the proposed language.

FREDERICK FLEITZ: Mr. Bolton knew he had disagreed with the language, but disagreeing in writing to the entire Intelligence Community is another matter.

FRANK JANNUZI: Wouldn't you expect INR, when asked to clear on the language, with which you knew they disagreed, would have made those objections known to the rest of the Intelligence Community?

FREDERICK FLEITZ: I think later they would have sent their objections to WINPAC, and WINPAC would have sent their

objections, as well as objections to any other agency who objected, but you have those objections preceding the language which we wanted.

FRANK JANNUZI: Not preceding, but accompanying.

FREDERICK FLEITZ: Preceding, on the same page. This was one piece of paper, and I only saw this this morning, because it's been so long, it is one piece of paper. I thought he had attached a note on top of it, but when you see it, you will see it's one piece of paper which has the language we proposed, but preceding it is Mr. Westerman's instruction.

BRIAN MCKEON: I'm confused, I thought you said he had marked up your original language. So, this is it, one piece of paper, but there's one paragraph on top with Westerman's comments and then your three?

FREDERICK FLEITZ: That's correct, I didn't say he marked up the original language, I said he offered alternative language.

JANICE O'CONNELL: Was it clear your language was on the bottom and his language was --

FREDERICK FLEITZ: From what I saw, I saw this document this morning, that is what I remember seeing.

PATRICIA McNERNEY: I think they were flipped.

FREDERICK FLEITZ: I know they were on the same page.

JANICE O'CONNELL: But to impact here, you had one language

that Mr. Bolton wanted, one set of language cleared, and then Mr. Westerman had proposed a different set.

FREDERICK FLEITZ: WINPAC was confused about what they were being asked to do, that is what --

JANICE O'CONNELL: And they expressed that to you in an e-mail?

FREDERICK FLEITZ: They called me over the phone, they didn't sent an e-mail, they called me and said, "We're confused, what are we being asked to de-classify? We have two sets of language here."

ANTONY BLINKEN: And you told them, "It's just the three paragraphs."?

FREDERICK FLEITZ: I said I would look into it.

PAUL FOLDI: So, Mr. Westerman is called up to Mr. Bolton's office, and you're present. Were you present the whole time Mr. Westerman was present?

FREDERICK FLEITZ: I believe so.

PAUL FOLDI: And at that time when Mr. Bolton is expressing his dismay at this issue, did Mr. Bolton in any way use any words to say to Mr. Westerman, "You're fired," "I want your job," "You're out of here." Or words to that effect?

FREDERICK FLEITZ: No words to that effect were used.

PAUL FOLDI: What did he say?

FREDERICK FLEITZ: He said something to the effect of, "How can I trust you? I've asked you to be neutral in a

situation like this, and you're welcome to disagree with me, but not behind my back."

BRIAN McKEON: In the description in the SSCI report said, "Undersecretary berated him." The description in the SSCI report is that the Undersecretary "berated him, accused him of countermanding an Undersecretary, and trying to re-write his speech." I believe that's accurate. This is describing what Westerman told him.

FREDERICK FLEITZ: I don't remember the word "countermand" being used. I think I've described what happened.

BRIAN McKEON: How long did this encounter occur in Mr. Bolton's office?

FREDERICK FLEITZ: It wasn't long.

BRIAN McKEON: Two minutes? Five minutes? Ten minutes?

FREDERICK FLEITZ: Five minutes.

EDWARD LEVINE: But again, it wasn't just disagreeing behind his back, was it?

FREDERICK FLEITZ: Mr. Westerman had broken procedures, in my opinion, he had confused WINPAC, and his supervisor apologized because it was so clear.

EDWARD LEVINE: But that is not what I asked. I didn't ask whether he violated procedures, I asked whether one could fairly say that he did this behind Secretary Bolton's back when it followed, perhaps days of discussions with you about his concerns.

FREDERICK FLEITZ: I think that's an unfair characterization of what happened. Mr. Westerman did do it behind his back. The specific objections had not been sent to us.

FRANK JANNUZI: But with INR, normally in the process of clearing on the language, first sends something to you, or wouldn't they respond to the WINPAC DeMarche officer directly?

FREDERICK FLEITZ: They would first send the response to the WINPAC DeMarche officer, in fact, the arguments I received from Mr. Westerman in the days before he sent the language out really were inappropriate. He should have said, "Okay, send this to the IC, and we will see what the IC says about it," and they would then participate in this process.

BRIAN McKEON: I'm still confused about the "behind the back." Let's suppose he had done it the way you believe it was supposed to have been done. The e-mail would have gone from him to WINPAC with your language, correct?

FREDERICK FLEITZ: I'm sorry, I don't know what you're asking.

BRIAN McKEON: Your three excerpts from the IC documents. If normal procedures, as you see them, had been followed, they would have gone from you to Mr. Westerman. From Mr. Westerman to the DeMarche Coordinator, the DeMarche

Coordinator back to the IC, including Mr. Westerman, correct?

FREDERICK FLEITZ: Yes.

BRIAN McKEON: Then at this point Mr. Westerman, whether alone or with others in INR -- I'm not sure, we'll get to that and I will ask him -- would have sent their comments back to the WINPAC DeMarche Coordinator, correct?

FREDERICK FLEITZ: That's correct.

BRIAN McKEON: In that case, you're not in that loop.

FREDERICK FLEITZ: In what loop?

BRIAN McKEON: He's not sending you, he's not asking your office for these comments that we're making to the WINPAC Coordinator are okay with you.

FREDERICK FLEITZ: I don't know where you're going, I'm just saying the procedure is, INR is entrusted to be a neutral party in situations like this to relay language, and then the IC will consider it. The usual habit, deliberative process, they'll send e-mails to each other, there may be a meeting to discuss it. If you prejudice this process up front -- as an intelligence officer for nineteen years, I knew this wasn't the way it was supposed to be done -- Mr. Finger knew that too.

BRIAN McKEON: What I'm getting at is the "behind the back" description, which is -- in either case -- Mr. Westerman's comments would not have been shown to you before he

presented them to the DeMarche Coordinator. The question really is that we have to figure out from looking at the original document that Mr. Westerman sent to the DeMarche Coordinator is, was this document segregable, such that the DeMarche Coordinator could have seen it and looked at it and said, "Oh yes, here's what Mr. Bolton's office wants to use, and here's what the INR comments are, and we can take those out and send out the Bolton -- your excerpt -- to everyone else, and I already have the INR document."

FREDERICK FLEITZ: All I can say is that the clearance coordinator was confused.

BRIAN MCKEON: I got that, I'm just getting at the "behind the back." In either scenario, Westerman would not have consulted with your office about INR's comments, correct?

FREDERICK FLEITZ: In the scenario of sending out the documents, it was almost -- it was like he was mailing a letter for Mr. Bolton.

PAUL FOLDI: Let me see if I can re-phrase what Brian's saying. The standard procedure: INR e-mails it to WINPAC, WINPAC farms it out, sends back the cleared language and, at which point, INR then --

EDWARD LEVINE: No, it does not send back cleared language.

FRANK JANNUZI: INR -- along with everyone else -- has a chance to clear on it.

PAUL FOLDI: So, in that scenario, does INR have to share

its input with you?

FREDERICK FLEITZ: No.

FRANK JANNUZI: So I guess what's a little confusing is when you got the call from WINPAC, "Hey, we're confused," why didn't you just tell them, "This is the part of the e-mail that represents Mr. Bolton's language that we are asking clearance on," and that would have been the end of the confusion.

FREDERICK FLEITZ: Because I didn't know what had happened. And I asked Mr. Westerman, I mean, I didn't have the e-mail he sent, they were confused, I didn't know why. That's why I sent an e-mail to him saying, "I got a call from WINPAC saying that they're confused, and you had sent," I thought it was a page on top of my request.

JANICE O'CONNELL: How could it be a page on top if you said it's an e-mail?

FREDERICK FLEITZ: At the time, I thought it was a fax. As I said, I don't know what kind of document it is now. I didn't have it in front of me at the time, but I said I was confused, that we had asked you to relay this, and you apparently sent some other language instead. I mean, it's not just -- the mechanics of this is one issue that you can argue that INR might have sent comments later without showing us -- but part of the issue, as you will see when you receive the e-mails, is that I asked him for an

explanation, and his explanation was, "I sent your language intact, I only add source citations for the good -- "

JANICE O'CONNELL: How did you ask him for that explanation?

BRIAN McKEON: We have his response to you and we have your response to him saying, "Please come to the office," we don't have your original e-mail to Mr. Westerman. Do you recall what that says?

FREDERICK FLEITZ: The State Department is reviewing documents for your use, they haven't been released yet.

JANICE O'CONNELL: This e-mail was part of something?

BRIAN McKEON: This is an e-mail you wrote. We have this, and I'm showing Mr. Fleitz the document we have been given.

FREDERICK FLEITZ: This is an important e-mail, this is the one I was referring to.

JANICE O'CONNELL: But it's partial.

BRIAN McKEON: Let's, for the record, say what this is. This is an e-mail, originally from Christian Westerman to Mr. Fleitz, February 12, 2002, 4:23 p.m.: "I sent your memo intact," and Mr. Westerman -- I'm sorry, Mr. Fleitz responds to Mr. Westerman two minutes later, 4:25 and says, "INR disputed language, please come up to T," I'm paraphrasing, so my question is, what's your original question to Mr. Westerman?

JANICE O'CONNELL: That he's responding to?

FREDERICK FLEITZ: This is the original question.

JANICE O'CONNELL: No, that's the response to his, where's the one that prompted him to write that e-mail?

BRIAN McKEON: You presumably have asked him a question to which he has responded.

FRANK JANNUZI: You mentioned you had a phone call from WINPAC, did you, perhaps, call Mr. Westerman?

FREDERICK FLEITZ: There must have been an earlier e-mail where I asked him about what happened.

JANICE O'CONNELL: Otherwise, he would have responded when you called him on the phone, presumably.

BRIAN McKEON: I'm just asking what he remembers now, it would be helpful to see the rest of the e-mail.

FREDERICK FLEITZ: The fact is, I had relayed the same message to him in the first sentence, there must have been another e-mail or a phone call, but I got a call from WINPAC, they're confused, they said you disputed the language, and what happened, and his response was this sentence here, which was, "I sent your memo through the IC for cleared changes, added citations so they could reference the intel," to which I responded, "CI says INR disputed the language, Mr. Bolton wants to use an alternative language, please bring my memo and this memo to T." Those sentences are contradictory.

JANICE O'CONNELL: But it would be interesting to see what

was in your original e-mail that he responded to.

FREDERICK FLEITZ: We will give it to you.

PATRICIA McNERNEY: We don't know that your e-mail, if it exists.

FREDERICK FLEITZ: If there is such an e-mail that exists, but I think this proves the case that I'm making.

FRANK JANNUZI: From the e-mail exchange, CIA says that INR disputes the language and provided alternative language. Seems pretty clear from that, that CIA understood that there were two languages. One, the language they had been asked to clear on, and the other, the INR disputation of that language. Is that correct?

FREDERICK FLEITZ: No, CIA called me and said they were confused, that they had received two sets of language.

PATRICIA McNERNEY: I think it should be stated for the record that requests for cleared language is a very routine process at the State Department.

ANTONY BLINKEN: So, how was this finally cleared up with WINPAC? They called and said they're confused, there are two sets of languages, and INR alternative language, how did they ultimately know which language to send out for clearance?

FREDERICK FLEITZ: Well, Mr. Bolton asked to see Mr. Finger. That's a good question.

PAUL FOLDI: Just for the record, who's Mr. Finger?

FREDERICK FLEITZ: And Mr. Finger said he would look into it.

PAUL FOLDI: And Mr. Finger again is?

FREDERICK FLEITZ: He was the Principal Deputy Assistant Secretary of INR.

JANICE O'CONNELL: When did he do that? When did Mr. Bolton ask Mr. Finger to look into it? After, or before, Mr. Westerman came up?

FREDERICK FLEITZ: It was a few minutes after Mr. Westerman left the office, and I believe that after Mr. Finger got back to Mr. Bolton, INR must have sent something to the Agency on the language that was cleared, because I don't know what happened to Westerman's language after that point, but the Agency acted on the language that Bolton wanted to be de-classified after that point, but how that was worked out, I can't recall.

EDWARD LEVINE: So what did Secretary Bolton say at the time to Finger, were you present then?

FREDERICK FLEITZ: No.

JANICE O'CONNELL: It was a meeting or a phone call?

FREDERICK FLEITZ: You know, I thought it was a meeting, but the e-mails I've seen suggest it might have been a phone call, but they communicated.

JAY BRANEGAN: So the meeting with Mr. Bolton and Mr. Westerman at which you were present, you've said at no time

did he directly use the words like, "You're fired."?

FREDERICK FLEITZ: That's correct.

JAY BRANEGAN: Was this meeting conducted in a businesslike manner, or did Mr. Bolton raise his voice and lose his temper?

FREDERICK FLEITZ: I know Mr. Bolton was very unhappy with Mr. Westerman, especially after Mr. Westerman argued with him.

BRIAN McKEON: The question is still on the table, your questions wasn't answered, Jay.

JAY BRANEGAN: Would it be reasonable for someone to believe that meeting in Mr. Westerman's position and expressing to someone else that he felt maybe his job was in jeopardy for the way Mr. Bolton treated him?

FREDERICK FLEITZ: I wouldn't have read it that way.

JAY BRANEGAN: Would it be reasonable for a lower ranking person like Mr. Westerman to feel that way?

FREDERICK FLEITZ: It would be unusual for an INR employee to think that way. INR is a, is known for being independent. The Assistant Secretary of INR, Carl Ford, is very protective of his people. I've been in lots of situations in my career where policymakers disagreed with me, these things happen.

ANTONY BLINKEN: You said Mr. Bolton was very unhappy, you put it, especially after Mr. Westerman argued with him. In

your experience with Mr. Bolton and other people, is it typical for Mr. Bolton to be unhappy with people who argue with him?

FREDERICK FLEITZ: It wasn't that Mr. Westerman argued with him, it was that Mr. Westerman lied, and argued with him.

ANTONY BLINKEN: Lied? How so?

FREDERICK FLEITZ: Mr. Westerman lied when he told us that he had sent the language that Mr. Bolton wanted de-classified to the Agency intact, and only with source citations. That was untrue.

FRANK JANNUZI: Did he delete some of the language you had asked him to clear?

FREDERICK FLEITZ: Let me answer the question, in addition to that, when Mr. Bolton asked him about this inconsistency, Mr. Westerman ignored what we had in black and white, and argued on the substance of the language that Mr. Bolton wanted de-classified.

ANTONY BLINKEN: He didn't deny the inconsistency, he just didn't address it and he argued on the substance?

FREDERICK FLEITZ: He argued on the substance, yes.

JANICE O'CONNELL: But this memo says, "I sent this to CIA for cleared language." Did he, in fact, send your memo intact? It doesn't say, "I only sent your memo intact to CIA," did he, in fact, send your memo intact?

FREDERICK FLEITZ: I would have to look at the source

document again.

JANICE O'CONNELL: It would be helpful for us to have this before, this is why we should have had these documents before we entered into this discussion.

BRIAN McKEON: As I understood your earlier comments, he forwarded your language, and he added his comments either above or below, so technically your language was intact, correct?

FREDERICK FLEITZ: Well, we'll see when we look at the documents.

PATRICIA McNERNEY: I think that's very disingenuous. He did not say, "In addition, as a part of that document -- "

BRIAN McKEON: I'm not saying he didn't.

PATRICIA McNERNEY: I mean, come on now.

BRIAN McKEON: I'm not saying that he didn't provide full information about what he sent to WINPAC.

PATRICIA McNERNEY: Is that a lie or is that the truth?

JANICE O'CONNELL: The problem is, we don't know what he was asked, Patty. We don't know what Mr. Fleitz' e-mail said to him or the response. What was the question he was being asked?

FRANK JANNUZI: That's the key.

JANICE O'CONNELL: That's what we don't know.

FRANK JANNUZI: We don't know what he was asked.

PATRICIA McNERNEY: We know what procedures are, we know

what he responded, what he sent.

JANICE O'CONNELL: But we don't know what procedures are, because apparently there are different procedures, we know what Mr. Fleitz says the procedures are.

BRUCE BROWN: Didn't Finger say the procedures were not followed?

PATRICIA McNERNEY: That's right.

BRUCE BROWN: So, Finger was the operative.

BRIAN McKEON: We don't have that document.

BRUCE BROWN: Yes, you do, it was part of the four that I sent, Brian.

EDWARD LEVINE: It was one of the e-mails that Fred sent to Bolton as an attachment.

BRUCE BROWN: Finger, who was the acting Assistant Secretary that day, said procedures were not followed. So, the INR indicated their policies were not followed by Mr. Westerman.

FRANK JANNUZI: Which is a separate issue from whether anyone lied.

BRUCE BROWN: Brian asked me about procedures, INR itself said procedures were not followed.

FREDERICK FLEITZ: I remember the language said Mr. Westerman does not concur and it was entirely inappropriate, that seems to suggest to me that procedures weren't followed.

BRIAN McKEON: I don't know.

FREDERICK FLEITZ: You can read the e-mail again, I think it's pretty clear.

BRIAN McKEON: The question is -- there's really two distinct questions here -- in sending his comments along with your language, simultaneously, in the same e-mail, was that a violation of procedure? And did he, in writing, using the words "does not concur," and proposing alternative language, was that not in accord with procedures? I think Mr. Finger was talking about the latter being not in accord with procedures, but I will have to look at the e-mail again.

EDWARD LEVINE: And we will have to ask Mr. Finger, that's one reason why he's on our list of people to talk to.

BRIAN McKEON: Go ahead, Ed, you had more.

EDWARD LEVINE: Did Secretary Bolton have any other meetings or conversations relating to what he felt about Christian Westerman, to your knowledge?

FREDERICK FLEITZ: Related to the speech? Not that I'm aware of.

EDWARD LEVINE: Related to Christian Westerman. I say that because, since, as you've indicated, the clearance of the speech went on for another some weeks, and then the speech wasn't delivered until May, I'm sure that there were plenty of conversations on the speech. What I'm asking is, are

you aware of anything else that Bolton may have done to express his concern or displeasure regarding Mr. Westerman?

FREDERICK FLEITZ: Mr. Bolton expressed to Neil Silver when he met him some months later, that Mr. Westerman had lost his confidence because of this episode.

JANICE O'CONNELL: This is six months later?

FREDERICK FLEITZ: Some months later, I don't know, I was not in the meeting.

BRIAN McKEON: For the record, who is Neil Silver, and what position was he in at that time?

FREDERICK FLEITZ: Neil Silver was Mr. Westerman's immediate supervisor.

JANICE O'CONNELL: Did you prepare a memo for that meeting?

FREDERICK FLEITZ: No, it was a routine office call. Neil Silver had just come on board. As I said, I wasn't in on it.

ANTONY BLINKEN: Did Mr. Bolton ask Mr. Silver to take any action with regard to Mr. Westerman at the meeting?

FREDERICK FLEITZ: As I understand it there had been a number of issues, and he said that Mr. Westerman had lost his confidence, and he thought he should be given another portfolio.

PAUL FOLDI: When the speech was finally delivered, what text was used? Was it the language that you had originally submitted? Or was it language that the IC community --

FREDERICK FLEITZ: It was language the IC had cleared. The IC had cleared it twice, they had cleared it in February '02, and they cleared it again when it was presented, the entire speech, in late April '02, early May '02.

JANICE O'CONNELL: And the IC saw the full text of the speech, or simply the paragraph that you sought to have declassified?

FREDERICK FLEITZ: The IC saw the whole text of the speech.

EDWARD LEVINE: The latter time, you're saying.

FREDERICK FLEITZ: The latter time, the first time was the process to prepare the speech.

PATRICIA MCNERNEY: It wasn't the speech.

FREDERICK FLEITZ: That's right.

PAUL FOLDI: Did the IC language get used by anybody else? Did that become just the standard "are we going to talk about Cuba? You've got to use this."

FREDERICK FLEITZ: The language was used on several occasions in January of 2002. A highly classified document was sent to Mr. Bolton containing this language and going further, and it gave us ideas of what to ask for in the cleared language request we sent to WINPAC through Mr. Westerman. It was a senior executive memo prepared by WINPAC on the Cuba BW question. The language was first used publicly by Carl Ford in a speech he delivered to the Foreign Relations Committee on about March 19, 2002, and he

used the precise language that the IC had cleared in late February 2002. The language was then used by Mr. Bolton in his Heritage Foundation speech; it was used in the speech that Assistant Secretary Wright gave some time in 2002, I don't know the date; it was featured in a article published sometime in 2002, a CEEP article.

EDWARD LEVINE: That featured the de-classified statement in a CEEP?

FREDERICK FLEITZ: It was used in a CEEP, it had other information that was classified.

PAUL FOLDI: So even though the IC language, I'm assuming, diverged from your original submission, you used it? Even though it may or may not have said, or had the same tone?

FREDERICK FLEITZ: I don't know what you're asking.

PAUL FOLDI: In other words, you had three pieces of information, you sent it out to the IC community, in spite of the Westerman aspect of it, they sent it back and that language was included --

ANTONY BLINKEN: That language, if it's based upon what you've said so far, I don't have the exact words, but was substantially different from the language you sought to have cleared. The Community came back and said, "Here's what we can clear," it was more restrictive.

FREDERICK FLEITZ: I would say it was more restrictive.

ANTONY BLINKEN: How close was the cleared language, if you

can make this comparison to the language that Mr. Westerman proposed that you use?

FREDERICK FLEITZ: I can't say. I can't recall what Mr. Westerman wanted to see, I've only seen the document briefly this morning, and I haven't seen it since 2002.

ANTONY BLINKEN: Do you have any recollection, or can you reconstruct whether what Mr. Westerman was trying to, the direction he was trying to move the language in, or put another way?

FREDERICK FLEITZ: He will be here shortly, you can ask him.

ANTONY BLINKEN: But you don't have any recollection of that? The ultimate language that was used?

FREDERICK FLEITZ: I don't want to speculate on that, it's been so long.

JANICE O'CONNELL: You said you, one of the things that prompted you to do this, to include Cuba in his BW comments was that you had gotten a senior executive memo on Cuba BW from WINPAC?

FREDERICK FLEITZ: We were going to write something on Cuba and BW anyway, because it was an issue we did not cover in the Biological Weapons Convention Review Conference speech that Mr. Bolton had given in late 2001. The memo that WINPAC sent in January of 2002 that used -- actually used the language that was eventually cleared, and had a variety

of other things that was not cleared -- was the result of queries I had made with WINPAC.

JANICE O'CONNELL: Directly?

FREDERICK FLEITZ: Basically, telling them Mr. Bolton was interested in this.

JANICE O'CONNELL: But you did it directly or through NI?

FREDERICK FLEITZ: Directly.

JANICE O'CONNELL: And they gave you this memo directly, or did it come through INR?

FREDERICK FLEITZ: I don't recall how I got it.

JANICE O'CONNELL: Would it be logged in? Would the log in show how it came into the building?

FREDERICK FLEITZ: That's usually the way documents are handled.

JANICE O'CONNELL: We would request that that be checked and we be informed about that.

ANTONY BLINKEN: Other than the meeting with Mr. Silver, were there any other occasions on which you heard Mr. Bolton comment either to you, or to other people about his unhappiness with Mr. Westerman, and did you hear him at any time say to you or to anyone else that he thought Mr. Westerman should either be reassigned, given another portfolio, removed from his job, fired, anything else? Any other discussions about, subsequent discussions?

FREDERICK FLEITZ: I want to state clearly, right now, that

Mr. Bolton never said Mr. Westerman should be fired, or removed from his job. I never heard him say that, I don't know anybody he said that to. I know he said it to Silver, and probably to Finger, that he should be given a different portfolio, because he had lost Mr. Bolton's confidence, but our interactions with Christian have been extremely limited since this episode in February of 2002, and I didn't really know why, we just didn't hear from him. But actually, I learned why when I read the SSCI WMD report, where Mr. Westerman apparently told the Committee he was told to limit his interactions with the T front office, and he did.

ANTONY BLINKEN: Told by?

FREDERICK FLEITZ: By his management. I believe he said, he did not suffer professionally, I know it says that, and he was told by his management to limit his interactions with the T front office, and that's what he did.

PAUL FOLDI: So, Mr. Bolton's not here to ask this, but do you believe that his dissatisfaction with Mr. Westerman was based on policy or procedure?

FREDERICK FLEITZ: My procedure was that Mr. Westerman's actions in this episode were policy related, and he was pushing his own policy views in an inappropriate way. And I believe that is also Mr. Bolton's position.

BRIAN McKEON: Can we go back to what you just talked about, you believed in response to Tony Blinken's question

about, he said to both Mr. Silver and Mr. Finger, he had lost Mr. Westerman's confidence, and wanted him removed from his portfolio, I'm not sure we've gone through the Finger part of this. What is your recollection on that? When did that conversation occur, and were you present?

FREDERICK FLEITZ: I wasn't present for it, and I'm not sure, it was a phone call or a meeting, but we'll go through the documents and figure that out, but I know he relayed to Mr. Finger he was concerned about what had happened, and Mr. Finger said he would look into it and get back to him.

JENNIFER GERGEN: I'm sorry, did we ever hear what the response was from Silver, when you say that Mr. Bolton had suggested to Mr. Silver that he had lost, Westerman had lost his confidence, and that he should be moved to a different portfolio, what was Mr. Silver's reaction?

FREDERICK FLEITZ: I don't know what his reaction was. I wasn't in the meeting, Mr. Bolton may have told me, but I don't recall. I know it was a cordial meeting, an introductory meeting.

JENNIFER GERGEN: Do you know if that was relayed to Mr. Westerman, that conversation between Mr. Bolton and Mr. Silver?

FREDERICK FLEITZ: Mr. Silver came up as a routine, "getting to know you," meeting, he just was coming on

board, the meeting was not on Westerman, but while Silver was there, Bolton relayed his, the fact that he had lost confidence in Mr. Westerman, and asked that he be given a different portfolio.

JENNIFER GERGEN: But you don't know whether that part of the conversation was relayed to Mr. Westerman?

FREDERICK FLEITZ: I don't understand.

JANICE O'CONNELL: She wants to know whether Silver went back to Mr. Westerman and said, "By the way, Mr. Bolton wants you removed."

FREDERICK FLEITZ: I don't know what happened after that.

ANTONY BLINKEN: You did say previously your understanding subsequently is that Westerman's own front office had said that they wanted him to minimize his contact.

FREDERICK FLEITZ: I did not know that, I read that in the SSCI report, but I can testify it appeared apparent that that is what he was doing, since we didn't see much of him after that.

BRIAN McKEON: I'm sorry if you said this, but when did the Silver meeting occur, do you recall?

FREDERICK FLEITZ: It was some months after this episode in February 2002.

BRIAN McKEON: Two months? Four?

FREDERICK FLEITZ: I don't know, you can ask Mr. Westerman.

JANICE O'CONNELL: There hadn't been any interactions

between you, your office, and Mr. Westerman between the February incident and when Mr. Silver came in?

FREDERICK FLEITZ: There were some interactions, but they were limited.

JAY BRANEGAN: Who cleared speeches after this?

FREDERICK FLEITZ: Well, who de-classified language?

JAY BRANEGAN: Who did, if Westerman was a speech-clearer -

FREDERICK FLEITZ: No, he was not, he was one of the team of analysts who served in the T front office, there were many other good people that we worked with.

BRIAN McKEON: Can we go back to the Finger, how do you know about the Finger conversation with Mr. Bolton, or what do you know? You know they had it, and you know it from Mr. Bolton?

FREDERICK FLEITZ: All I can remember, and this is from Mr. Bolton, is that he spoke to express his concern over what happened, and said that Mr. Westerman had lost his confidence, and he should be given a new portfolio.

BRIAN McKEON: Do you know, is that the same day?

FREDERICK FLEITZ: It was the same day.

BRIAN McKEON: And did Mr. Bolton express this to Ford when he returned?

FREDERICK FLEITZ: I don't know.

BRIAN McKEON: Were there any conversations of which you are aware between Mr. Bolton and Mr. Ford about Mr.

Westerman?

FREDERICK FLEITZ: I'm not aware of any.

BRIAN McKEON: Did Mr. Bolton discuss Mr. Westerman's responsibilities with any other senior official, either in INR or at the seventh floor principles?

FREDERICK FLEITZ: Not that I'm aware.

FRANK JANNUZI: At the time that this occurred, who was Mr. Westerman's office director, prior to Mr. Silver coming on board?

FREDERICK FLEITZ: Craig Tillman.

FRANK JANNUZI: Did Mr. Bolton discuss this issue with Mr. Tillman?

FREDERICK FLEITZ: I don't know that he spoke to Tillman, I spoke to Mr. Tillman after Mr. Bolton spoke to Mr. Finger.

FRANK JANNUZI: What was the substance of that conversation?

FREDERICK FLEITZ: This was after, apparently Mr. Finger had spoken to Mr. Tillman, Mr. Tillman was very shook up about what happened, and there's an e-mail which I sent SSCI, which you may have seen, and I described him as "penitent." He thought that Westerman had really screwed up, and he apologized to me, profusely, over and over again, saying, "This is not the way we operate, we want to have good relations with the front office, we want you to trust us, we want to be a mutual party to relay information

in situations like this," and he said something similar to what Ford said, "It won't happen again."

BRIAN McKEON: Finger.

FREDERICK FLEITZ: Finger said, "It won't happen again."

EDWARD LEVINE: So there was just that one interaction on this matter between you and Greg?

FREDERICK FLEITZ: That is the only time I remember discussing this with Mr. Tillman.

BRIAN McKEON: Did Mr. Bolton ask you to take any other action with regard to Mr. Westerman? Either as to his portfolio, or his access to your office?

FREDERICK FLEITZ: No.

EDWARD LEVINE: Now, your memo to, or your e-mail to Secretary Bolton in which you enclose some e-mails, then shows that you also were contacted by someone else from INR, who also said --

FREDERICK FLEITZ: You mean my letter to SSCI?

EDWARD LEVINE: Correct, your letter to SSCI -- well, I forget whether it was the letter -- who was that from and what were the circumstances that led to that?

FREDERICK FLEITZ: I discussed this episode with a veteran INR officer who I knew, and I told him what happened, and he sent a fairly strong response, indicating that Mr. Westerman had not followed procedures.

BRIAN McKEON: Was that person in INR at the time?

FREDERICK FLEITZ: Yes.

BRIAN McKEON: Who is it?

PATRICIA McNERNEY: The lawyers are looking at all of the names, and these other people have been players, because it was brought to the attention of the Committee, the lawyers are looking at now whether we can cross out anybody below the Assistant Secretary level. So we just need to -- I don't think the names matter.

BRIAN McKEON: Well, they certainly matter, because we're taking it on faith from Mr. Fleitz that it was a veteran INR analyst who knows what he or she is talking about.

PATRICIA McNERNEY: You'll have a chance to talk to senior management, but the speech, as you know, was cleared throughout the building, so there are probably over a hundred people looking at this.

FRANK JANNUZI: When did you consult this other INR analyst, was that the same day Mr. Westerman was called into Mr. Bolton's office, or before, or after?

FREDERICK FLEITZ: It was probably the same day, but there's a date on the e-mail, you can check it.

EDWARD LEVINE: Was it after the experience of having Mr. Westerman into Bolton's office?

FREDERICK FLEITZ: Probably, but I just can't say, it's been so long.

BRIAN McKEON: We've been going an hour since the break, do

you want a break, Mr. Fleitz?

FREDERICK FLEITZ: I'm okay.

JAY BRANEGAN: Can I ask about the language that came back? You said you had prepared, Westerman prepared the language, you had restricted?

FREDERICK FLEITZ: Yes.

JAY BRANEGAN: Was it too restrictive?

JANICE O'CONNELL: Which language?

JAY BRANEGAN: The language that was cleared by the IC.

FREDERICK FLEITZ: We were satisfied with it. After all, we were asking for language from top secret code word publication, I knew the possibility was we wouldn't get anything cleared, so what they provided was acceptable.

ANTONY BLINKEN: Was it acceptable to Mr. Bolton, or did he express any frustration that you were not able to use more language that you asked for clearance on?

FREDERICK FLEITZ: I don't remember him expressing any frustration.

JAY BRANEGAN: Did you use anything in the form of appeal processes to try and ease some of the restrictions on the language?

FREDERICK FLEITZ: No.

JAY BRANEGAN: Did Mr. Bolton, do you know?

FREDERICK FLEITZ: No.

ANTONY BLINKEN: Did you go back in any way and say, "Can

we do more"?

FREDERICK FLEITZ: I don't think so.

ANTONY BLINKEN: Once you got the cleared product, that was the end of the discussion?

PAUL FOLDI: Is there a standard appeal process?

FREDERICK FLEITZ: I could have appealed, and I could have said we wanted more.

PAUL FOLDI: Do you appeal through INR, or go to WINPAC? How does that work?

FREDERICK FLEITZ: I could have appealed through INR, and however, I did receive some e-mails about the language from the Agency, I knew how it was going, but we didn't appeal it, as far as I know.

PAUL FOLDI: But had you wanted to, would that have been the standard?

FREDERICK FLEITZ: Yes.

JANICE O'CONNELL: What do you mean, when you say you "received some e-mails from the Agency," and you "knew how it was going," meaning it wasn't going the way that you wanted it to go?

FREDERICK FLEITZ: I keep in touch with my supervisors, and I tell them what I'm doing, and they tell me what they're doing, so I knew the procedure was going forward. I did receive e-mails about them saying, "We have some concerns about going as far as you want in this language, we're

going to try to work something out for you," and I remember getting an e-mail that said something to that effect.

PATRICIA McNERNEY: This would have been in your CIA --

BRIAN McKEON: Can we go way back to your e-mail to WINPAC together with the heads up saying, "This is coming from INR," why would you do that? Was that normal?

FREDERICK FLEITZ: I work for two agencies, I don't like my supervisors to be blindsided, I like them to know what's going on.

ANTONY BLINKEN: Would that depart from normal procedure?

FREDERICK FLEITZ: I work for two agencies, what is the normal procedure?

JANICE O'CONNELL: Aren't you seconded?

FREDERICK FLEITZ: I'm on detail to State, I keep in touch with my supervisors at the Agency.

BRIAN McKEON: Are you rated by Mr. Bolton and someone at CIA? In terms of your performance evaluation?

FREDERICK FLEITZ: I haven't received a personal evaluation since I left the Agency.

BRIAN McKEON: Did you have any other purpose other than giving them a head's up?

FREDERICK FLEITZ: No, I routinely keep my supervisors at the Agency informed.

BRIAN McKEON: Let me keep going, Paul. Did you have any suspicion that Westerman might do some funny business, or

go outside, not follow procedures?

FREDERICK FLEITZ: I was concerned that Mr. Westerman, I mean, I did have some concerns, based upon our exchanges. And before Mr. Westerman sent the language to WINPAC --

BRIAN McKEON: So, was it more than a head's up? What were you trying to do?

FREDERICK FLEITZ: Well, it was a head's up, that is what I routinely did in situations like this.

BRIAN McKEON: But your concerns were based on Westerman was disagreeing with you about some things, so you thought he was going to pull a fast one?

FREDERICK FLEITZ: Westerman had asked some unreasonable requests for the language that I had asked, especially when he had asked for the source documents behind published IC publications, that was an extraordinarily unreasonable thing to ask, so I was suspicious about what would happen when he sent the language to the Agency.

BRIAN McKEON: Suspicious that -- ? What do you mean by "suspicious"?

FREDERICK FLEITZ: Well, it was pretty clear he disagreed with the substance of the language we wanted to have declassified, and I just wanted to make sure that procedures were followed.

BRIAN McKEON: And was there a prior experience with Mr. Westerman on something like this, where he had not followed

procedures as well?

FREDERICK FLEITZ: I don't recall Mr. Westerman sending declassified language on behalf of the office, I think this was the first time.

BRIAN McKEON: And when was the first time you dealt with Mr. Westerman at all, in any capacity?

FREDERICK FLEITZ: I met him sometime in 2001.

BRIAN McKEON: When you came to State?

FREDERICK FLEITZ: Yes.

BRIAN McKEON: You hadn't met him at all?

FREDERICK FLEITZ: I don't recall meeting him before I came to the State Department.

BRIAN McKEON: How many times would say you dealt with him prior to February '02?

FREDERICK FLEITZ: I don't know.

BRIAN McKEON: And how did he come to be the person involved in this speech? Because it was his portfolio, or he was just the guy, the duty officer that day?

FREDERICK FLEITZ: He has the BW portfolio with INR.

ANTONY BLINKEN: Just to be clear, the head's up you gave to WINPAC, that was the extent of it, it didn't say, "It's on its way, but I'm concerned about the comments made by INR."?

FREDERICK FLEITZ: I didn't raise any concerns like that.

EDWARD LEVINE: Was it your sense that Mr. Westerman,

despite being the BW person, had not seen source material behind the language that you were proposing?

FREDERICK FLEITZ: I don't remember that being a concern. The source material, half the time, was kept in an INR safe. I may have made it available to him in a discussion before he sent the language out, I don't recall, but it was available, and he had the serial numbers, so it wouldn't have been difficult for him to check.

EDWARD LEVINE: You say he had the serial numbers, of the documents, but not of the source material?

FREDERICK FLEITZ: He has a system where he could have called up the source material.

EDWARD LEVINE: When the executive memo was sent to you, was that made available to INR?

FREDERICK FLEITZ: I don't recall, I don't recall how that got to State. I assume they saw it, but frankly, I don't know. There may be records.

JANICE O'CONNELL: Where would you have kept it?

FREDERICK FLEITZ: Documents like that had to be kept in an SCI safe, and we had an SCI safe in INR which Greg Tillman had provided to us, so we could keep documents like this under the security regulations.

JANICE O'CONNELL: But they would have been locked in with INR, wouldn't they? Under building procedures?

FREDERICK FLEITZ: The problem at that point in time is

that INR was not logging in every document into the SCI SCIF. Now that document, that procedure changed when DS took a more -- DFC took control of the documents, but very strict procedures were put in place some time after this episode occurred. And it is possible that, for example, sometimes an SCI document INR would bring for Mr. Bolton to read at this time, and we would say, "We'd like to keep that," and it would be then place in the Bolton safe in INR. At the time it wasn't logged it, it was just put in the safe, but there was a point in time we were informed that it was necessary that every piece of paper in that safe had to be logged on a piece of paper, and we had our staff do it, so it is possible that in January and February of 2002, there were documents in the SCI safe in INR that were being protected, but may not have been officially logged in. That is not to say INR didn't know about them, but they may not have been official documents.

EDWARD LEVINE: But did INR automatically have access to documents that were put in that safe, or did they merely put them in for you?

FREDERICK FLEITZ: It was an INR safe, they had the combination, they would put things in for us. Usually, the procedure would be, we would flag something in the pouch, in Mr. Bolton's SCI pouch that INR brought up to his office, and say, "We would like to save this," sometimes we

would order things through INR and they would be brought and put into the SCI safe.

EDWARD LEVINE: But this seems to be a different document, because it was one prepared especially for you.

FREDERICK FLEITZ: This document was prepared especially for Mr. Bolton, that's correct.

EDWARD LEVINE: And so I'm wondering whether at the time you made your presentation to Mr. Westerman of the snippets that you wanted de-classified, whether he had even seen anything like that before, despite his being the analyst who covers the material.

FREDERICK FLEITZ: I don't know, actually, if he saw this particular document. I do know that this document reflected the source documents that we asked, which were the source of the language which Mr. Westerman asked be sent to the Agency. There wasn't anything new in it that was not in several other published IC products.

EDWARD LEVINE: In your capacity as a WINPAC person, were you also involved in the production of material like this executive memo?

FREDERICK FLEITZ: That was not my responsibility to WINPAC.

EDWARD LEVINE: I'm asking when you were at T in 2002.

FREDERICK FLEITZ: They were very clear, I was not to write analysis while I was serving as Mr. Bolton's Special

Assistant, and I didn't.

EDWARD LEVINE: You were just to tell them what was going on?

FREDERICK FLEITZ: I didn't write intelligence analysis, that was to be done by WINPAC officers at Langley.

EDWARD LEVINE: Other than telling them when a bit of speech was on its way over, what were the things that you told them about what was going on at T?

FREDERICK FLEITZ: Well, I relayed --

PATRICIA McNERNEY: We're keeping this to the clearances.

BRUCE BROWN: That's outside.

BRIAN McKEON: Can we go off the record for a minute?

(Off the record.)

BRIAN McKEON: We're back on the record.

ANTONY BLINKEN: How would you characterize Mr. Bolton's relationship with INR, his attitude towards INR?

FREDERICK FLEITZ: INR is an office that provides intelligence reports to Mr. Bolton, and he values their input. They prepare a daily book that he reads very carefully every day, and other published intelligence. There are several analysts that are outstanding, he likes to work with.

ANTONY BLINKEN: Did he express reservations or frustrations about the product he was getting from INR, to look elsewhere for input?

FREDERICK FLEITZ: Well, Mr. Bolton receives INR products every day.

PATRICIA McNERNEY: If I could just add, I think it's fair to say, he's gracious to the intelligence that comes from EI, DIA, INR and frankly, they do small analysis pieces, but they rarely send intelligence up to him, so in that capacity, much of the information coming to him from INR is intelligence from other agencies.

ANTONY BLINKEN: It's been reported that Mr. Tillman was assigned, as I understand it, from INR to be the regular liaison with your office? Was told not to attend regular staff meetings of your office, daily staff meetings, you were described as the acting Chief of Staff, was that under your watch? And can you tell us if that's true? And if so, why?

FREDERICK FLEITZ: I don't think I was the acting Chief of Staff when that happened. That has been misrepresented. Mr. Bolton has a very limited staff meeting every morning with his four Assistant Secretaries. He allows his Chief of Staff to attend, and I attended when I became Chief of Staff. Before I was Chief of Staff, I did not attend them. It's a ten or fifteen minute meeting where he wants to know what the Assistant Secretaries are going to say at the Secretaries' 8:30 meeting that begins every day promptly at 8:15, and it's fifteen minutes long, and it frequently goes

to 8:29. It is true that Mr. Bolton didn't want INR attending it, he didn't want any of us attending.

ANTONY BLINKEN: Was there a point when INR was attending, then was not? Told not to attend?

FREDERICK FLEITZ: What happened, without Mr. Bolton's knowledge, Mr. Tillman -- who I got along with quite well when he was at State -- showed up. And I think he was there, he may have been there for a day or two, and Mr. Bolton said to his staff, "Who is this guy and why is he in my meeting?" And he said, "I didn't invite him, and that's not the way I want to run my meetings, it's nothing personal to Mr. Tillman," and I think Mr. Tillman might have read it wrong, but that's what it was. I didn't attend these meetings either, half the time. Patty doesn't attend them.

JANICE O'CONNELL: You said that Bolton had originally planned to give this speech sometime in early 2002. It first was going to be SCIS, there was talk of doing it a little later, then the President took a trip to Latin America, so while he was down there it was decided that wasn't a good time to do it. Were you aware that President Carter was going to Cuba?

FREDERICK FLEITZ: This had nothing to do with his trip.

JANICE O'CONNELL: I'm saying, were you aware that President Carter was going to Cuba the next week?

FREDERICK FLEITZ: No.

JANICE O'CONNELL: You weren't?

FREDERICK FLEITZ: No.

JANICE O'CONNELL: Patty has just said Mr. Bolton's a voracious reader. I would suspect that there were numerous articles about the President's trip to Cuba, and you're suggesting that --

FREDERICK FLEITZ: Are you suggesting that we began the speech when we knew Carter was going to Cuba?

JANICE O'CONNELL: I'm suggesting, when he gave the speech on May sixth, was he aware the next week, President Carter --

FREDERICK FLEITZ: If that's the context of your question, we probably were aware of it. We probably were aware he was going, but the speech had nothing to do with the Carter trip.

JANICE O'CONNELL: I'm asking, but when the President went to Latin America, there was a sensitivity not to be giving such a speech while he was away, but when the former President was going to Cuba, was there any discussion about whether or not that was going to be a problem, given that the Administration had approved the President's trip?

FREDERICK FLEITZ: I don't remember any discussion like that, but the difference was that the Heritage Foundation, we had agreed on a date in May, when the President traveled

to Latin America, we had not agreed on a date, it was still something under discussion. So canceling it, if that was something that we even thought of, really, it wouldn't have been easy to do, since we had the date and everything was planned. But in March, when the President went to Latin America, the speech wasn't finished, we hadn't agreed when it would be given, Mr. Bolton was on travel, it was easy to schedule around the President's trip.

JAY BRANEGAN: Were you aware of Mr. Bolton having discussions with Carl Ford about Mr. Westerman?

FREDERICK FLEITZ: I'm not aware of that.

EDWARD LEVINE: To your knowledge, are there any other intelligence people about whom Mr. Bolton has said, "Please change their portfolio"?

FREDERICK FLEITZ: Mr. Bolton had concerns about a National Intelligence Officer.

PAUL FOLDI: Can you explain for the record what a National Intelligence Officer is, and where that fits into this equation?

FREDERICK FLEITZ: I'd better wait for Patty.

BRIAN McKEON: Why don't we take a break here.

(Recess.)

PAUL FOLDI: Let's go back on the record.

BRIAN McKEON: We've asked a lot of questions about what he knows Mr. Bolton did or did not do.

EDWARD LEVINE: One of the things that I'm having a little difficulty understanding is why -- whatever it was that Christian Westerman objected to -- sparked such concern other than the fact that he put it in that first communication to WINPAC? Was there a substantive reason why it was outrageous for him to be saying whatever he was saying?

FREDERICK FLEITZ: As I said earlier, Mr. Bolton said to Christian when they met, he was welcome to disagree with him, but not behind his back. And the way I remember it was, first we received an exchange of e-mails where he misrepresented what he had done, but before that he had prejudiced the language that we had asked him to send the Intelligence Community by saying, "INR does not concur with alternative language," and in situations like that, as an IC officer, I know from experience, that's not the way things are done.

EDWARD LEVINE: But you've already said to us under the normal procedures as you understand them, INR would not come back to you or to Secretary Bolton before giving their views on clearance of proposed language, it's just that they ought not to have given those views in the very first communication to WINPAC.

FREDERICK FLEITZ: The prejudiced the communication, and when I asked them that, he lied about it.

EDWARD LEVINE: I understand that.

FREDERICK FLEITZ: That's why the conflict got to the point it had, if he had said the comment, had admitted to it, it wouldn't have been an issue, but by lying about it --

BRIAN McKEON: We've covered all of this. Going back, before -- I'm struggling to understand what led you to be suspicious, and led you to give the head's up to WINPAC. You thought Mr. Westerman was unreasonable in asking for the source documents, what was it that he was trying to get you to do, his work? Or did he, had he never seen these source documents?

FREDERICK FLEITZ: I have to say that I have done a lot of speeches in my time at State for Mr. Bolton, and I have declassified things at the Agency in a variety of capacities, and this -- in my opinion -- appeared to be obstruction, an effort to obstruct a legitimate request of the IC. Basically, he was trying to find a way not to send it out, when he asked that. It was completely unreasonable, he knew I couldn't provide the source documents, some of these published IC papers were several years old, it was impossible for me to provide them, and I refused.

JANICE O'CONNELL: Did you provide him with the executive memo that they were drawn from? Did he know of the existence of that memo?

FREDERICK FLEITZ: The executive memo was not the source

for the language we had sent out, and I don't know if he knew that. Frequently when documents like that would come to State, Greg Tillman and I would discuss them. I assumed that Greg, or someone NI knew about it, but I don't know.

PAUL FOLDI: Unless there are any other questions, I think we're ready to speak to Mr. Westerman.

JANICE O'CONNELL: I have one more question. There's a recent Newsweek article in which Otto Reich says that he sent a secret letter to the supervisor of Fulton Arms, urging that he be removed from his job, and he also says, and he's quoted, it says in this article that he discussed this with Mr. Bolton. Do you know of any discussions that Bolton, that Armstrong was discussed between your boss and Otto Reich?

FREDERICK FLEITZ: What does this have to do with the speech?

ANTONY BLINKEN: We can ask you to come back.

JANICE O'CONNELL: We can do this the easy way, or the hard way. We can do another letter and ask that you do this, or we can just -- we're trying to expedite this process, so it would be helpful to answer the question that obviously members are going to ask, because it's been put out in the public record. It's up to you.

FREDERICK FLEITZ: What was your question again?

JANICE O'CONNELL: Did Otto Reich and John Bolton discuss

Fulton Armstrong.

FREDERICK FLEITZ: Yes.

JANICE O'CONNELL: Did Otto Reich share his belief that Fulton Armstrong should be removed from his position?

FREDERICK FLEITZ: Yes.

JANICE O'CONNELL: Did John Bolton share that view?

FREDERICK FLEITZ: Yes.

JANICE O'CONNELL: Did Jon Bolton, or anyone in his office, express that same to Fulton Armstrong's superiors.

FREDERICK FLEITZ: I'm not aware of anyone from State informing Armstrong's superiors that he should be removed from his position.

ANTONY BLINKEN: What was the basis for that view?

FREDERICK FLEITZ: I'm sorry?

ANTONY BLINKEN: What was the basis for that view, why did Bolton think he should be removed from his job?

PATRICIA McNERNEY: I don't think you can speak for Mr. Bolton, just speak only of what you know.

FREDERICK FLEITZ: Mr. Bolton had concerns about Mr. Armstrong. But the allegations in the media that Mr. Bolton wanted him fired are false.

JANICE O'CONNELL: Well, to the best of your knowledge, what were those concerns?

FREDERICK FLEITZ: The Heritage Foundation speech was given on May 6, 2002. Before May 6, 2002, neither Mr. Bolton nor

anyone on his staff had ever heard from Mr. Armstrong. He was not someone we even knew about, but after the speech he called, he called me and said the speech had not been IC cleared, I told him it had been IC cleared, it had been cleared by Art Foley on behalf of the IC, and Alan Foley had spoken with Larry Gershwin, who handled BW weapons in the National Intelligence Council and cleared it on behalf of NIC, it had been extensively cleared with the Intelligence Community, it was a long process, not over the Cuba language, but because it touched on a number of different subjects which Mr. Armstrong claimed it should have been cleared with him, and I said, "I don't know who you are, and I don't know how that could be, when senior Agency officials have cleared it." Mr. Armstrong, during May of 2002, campaigned against the speech, telling people within the policy community, and with Congress, and we believe, in the media, that the speech was not cleared, and misrepresented the Intelligence Community. These statements were false. This caused Mr. Bolton to be concerned that there was an Intelligence Officer that was making statements like this, making policy statements, that a person in an Intelligence Analyst position should not have been making.

BRIAN McKEON: What were the policy statements?

FREDERICK FLEITZ: That the speech was not cleared, and

misrepresented the Intelligence Community's position.

BRIAN McKEON: How is that a policy statement?

FREDERICK FLEITZ: I think it's a policy statement when you make statements like that to the media and to Congress.

JANICE O'CONNELL: Well, it is consistent with testimony that Mr. Ford gave.

FREDERICK FLEITZ: It is not consistent with Mr. Ford's testimony.

JANICE O'CONNELL: It is in closed session.

FREDERICK FLEITZ: I have seen Mr. Ford's open session testimony.

JANICE O'CONNELL: Mr. Ford describes two different processes, the normal process of going to the NIO and asking the NIO to clear, versus the process that you followed, which is going to WINPAC, and he said in terms of speeches, the normal practice would have been to go from -- for public speeches, not speeches for going to conferences or diplomatic events -- but, his view was the normal process was for the information to be forwarded to the NIO.

FREDERICK FLEITZ: It is true, that is the process. That was not the process when we cleared the speech. It was the process for awhile after the speech. And after that some other processes were put in place, and some of that was because Deputy Director for Intelligence Jay Misak had put some different rules in place, but the speech was sent to

Intelligence Community by INR, and I don't know what Mr. Ford said in closed testimony, but he said very clearly in his open testimony that he delivered to the Subcommittee in early June 2002, that Mr. Bolton followed the rules, and on Cuba BW, they were the Intelligence Community words, not his, and he was very specific on that. I'd be happy to give you a copy of the transcript of his open testimony that makes absolutely clear that procedures were followed. He also made a statement saying that the substantial information on the Cuba BW effort, it was testimony that completely vindicated everything that Mr. Bolton said on the Cuba BW effort, and the procedures had been followed on the Heritage Foundation speech.

PAUL FOLDI: The language that was used, that appears to be on the question, I thought you had earlier said was used by Mr. Ford himself.

FREDERICK FLEITZ: It was used by Mr. Ford, it was used by Mr. Ford at a Foreign Relations Committee on 19 March 2002.

PAUL FOLDI: So, did Mr. Armstrong make allegations that Ford's usage of that speech hadn't been cleared?

FREDERICK FLEITZ: That's an interesting question, we did not know that Ford gave the testimony in March, we found out about it in a Washington Post piece that ran the day after Mr. Bolton gave his testimony.

PAUL FOLDI: So it would seem that Mr. Armstrong had

problems with Mr. Bolton's speech, if the language is exactly the same.

JANICE O'CONNELL: It isn't exactly the same, there's a paragraph that precedes the cleared language, and that is a characterization of a 1998 U.S. Government report which he characterizes as "unbalanced." There was no such language in the Ford testimony, and in fact I think there's been an inter-Agency review suggesting that it is not unbalanced.

PATRICIA MCNERNEY: That's a much more recent review. That review took place long after --

JANICE O'CONNELL: He was characterizing, that was his view of the report, it was not an inter-Agency assessment of the report.

JENNIFER GERGEN: Janice, can you clarify, who is "he"?

JANICE O'CONNELL: This is a speech Bolton gave, and it is true that there is the few sentences that are almost identical, there's one word difference between the Bolton and the Ford, but those remarks are preceded by two paragraphs, characterizing a 1998 Defense Department assessment that Cuba was not a threat.

FREDERICK FLEITZ: This is a complete misrepresentation of the speech. First of all, the speech was cleared by the Intelligence Community; second of all, Mr. Ford gave a different kind of speech that gave a sort of tour de force of a variety of WMD programs; third of all, the language

which Mr. Bolton used at the Heritage Foundation speech on the WMD program was the de-classified language, it is not linked to the language which you just cited. It is not related in any way. When Ford used the language in March, Ford used language that went further in June in his unclassified testimony.

FRANK JANNUZI: You were asked earlier about Mr. Bolton's demeanor in the meeting with Westerman, and I think you were asked whether he lost his temper. Did he lose his temper in that meeting?

FREDERICK FLEITZ: I remember him being pretty concerned about Mr. Westerman's behavior, you can ask him.

FRANK JANNUZI: Did he raise his voice? Did he shout at Mr. Westerman?

FREDERICK FLEITZ: I remember him being pretty concerned about Mr. Westerman.

FRANK JANNUZI: I understand that, but did he raise his voice in the meeting?

FREDERICK FLEITZ: I remember him being pretty concerned about Mr. Westerman, and he'll be in here in a minute, you can ask him.

FRANK JANNUZI: I'd really like your impression of it. I don't know why you don't want to answer a very simple question. It's not unusual for people to raise their voices when they're very concerned about something.

Sometimes I raise my voice.

FREDERICK FLEITZ: I --

FRANK JANNUZI: I appreciate your loyalty, if you don't want to answer.

FREDERICK FLEITZ: I just remember him being pretty concerned.

FRANK JANNUZI: Did he use any expletives?

FREDERICK FLEITZ: I don't remember.

PAUL FOLDI: Let's wrap this up. Let's get to Mr. Westerman.

BRIAN McKEON: Clearing up on Fulton Armstrong, just so I'm clear, you said Mr. Bolton thought Mr. Armstrong should be removed from his position, did I hear that correctly?

FREDERICK FLEITZ: Mr. Bolton thought that Mr. Armstrong should be given a different portfolio.

BRIAN McKEON: Did he act on this belief, to your knowledge?

FREDERICK FLEITZ: Mr. Bolton had at least one meeting with an Agency official where he relayed his concerns.

BRIAN McKEON: Do you know who? We could ask Mr. Bolton, but do you know who that is?

FREDERICK FLEITZ: Alan Foley and Stu Cohen.

BRIAN McKEON: Were you present at that meeting?

FREDERICK FLEITZ: No.

BRIAN McKEON: Do you know the time frame, roughly?

FREDERICK FLEITZ: Probably July 2002.

PATRICIA McNERNEY: It was my understanding it was a courtesy call to Stu Cohen just to clarify that.

BRIAN McKEON: Let's go off the record for a minute.

(Off the record.)

BRIAN McKEON: Back on the record. We have been told by Mr. Tillman -- this is a new issue -- that when he was in INR there were concerns that, let me describe what he described. His people kept getting calls from people in policy bureaus under T that, "Hey, we've got this SCI or TS document, can you come collect it?" It was his conclusion Mr. Bolton was getting briefed by Agency people, documents were getting left behind, and these were not being accounted for or logged in properly, and my impression from the discussion with him is that he was concerned about INR getting hit for not controlling SCI documents when, in fact, the Agency was bringing them over. And, he was concerned enough that he directed his people to document this, and send a memo to DS. Now, I've asked -- orally -- the Department about this, and I gather there's some research going on now. My understanding is it was actually a memo to T, it was not to DS.

BRIAN McKEON: Okay, and is that part of the search of documents that is coming? I know we haven't put that in writing, I asked orally about this last Friday.

BRUCE BROWN: I spoke to DS, DS has nothing.

BRIAN McKEON: But there is a memo from INR to T.

PATRICIA McNERNEY: It was early on, I think it was cleared up.

BRIAN McKEON: Can we get that document?

PATRICIA McNERNEY: I'll go back and see.

BRIAN McKEON: I understand.

EDWARD LEVINE: Is that the background to the safe in INR for T documents?

PATRICIA McNERNEY: Honestly, I don't recollect what the memo says.

BRIAN McKEON: Let me ask my question. Did Mr. Tillman, or anyone else in INR, ever express a concern to you about how Mr. Bolton or the front office, T front office, was getting intelligence and procedures for carrying or storing classified information that were not being followed?

FREDERICK FLEITZ: Mr. Tillman was never happy that there was an Agency person on Mr. Bolton's staff. I think that's because INR understandably liked being the exclusive source of classified information and advise on intelligence questions to policy officials, but Mr. Bolton wanted a broader source of intelligence, he wanted to use INR's talents, plus tap into the talents of WINPAC. And Mr. Tillman actually tried to stop, for several month, me actually being on his staff, because he didn't want an

Agency person there. Eventually, it was worked out anyway, and we have a pretty good security record. I don't know what Mr. Tillman's talking about, there were no security violations recorded in an instance like that, not that we haven't had them, we get a lot of material. Mistakes were made, but nothing of the nature that he's talking about that resulted in any violations. That we had a safe, an SCI safe in Mr. Tillman's area, I don't doubt it was left open, or not secured, at the end of the day, once or twice. Greg closed it when he did his routine security procedures at the end of the day, it took some time -- when you have new people to teach them security procedures -- and one of my responsibilities was to make it clear to T staff to be very careful. Mr. Tillman never filed a security violation against us. If anything serious had happened, I think he might have.

BRIAN McKEON: But, were Agency briefers coming over and leaving documents?

FREDERICK FLEITZ: Agency briefers leave documents all throughout the building, but an Agency person comes over and gives a briefing, they frequently leave stuff behind. They're not supposed to, but it happens with every Bureau. The procedure is the document has to be signed into diplomatic security. At the time of 2001 - 2002 it would have been INR. I don't doubt this happened when Mr.

Tillman was there, and it's happened since then.

The official procedure is the Agency is supposed to sign the document into diplomatic security and then it is brought in a sealed pouch to the briefing room. The Agency people should follow up. If we had an instance like this where it happened, it is a fairly routine matter.

JANICE O'CONNELL: Can I ask one last -- ? You just mentioned something about, going back to Fulton Armstrong, about him campaigning against Mr. Bolton in Congress, what do you mean by that?

FREDERICK FLEITZ: We got reports that he was giving a number of briefings on the Hill, and talking to a number of staffers, telling them inaccurately that Mr. Bolton's speech was not cleared by the Intelligence Community.

JANICE O'CONNELL: Well, Senator Dodd formally requested a briefing by the Intelligence Community on this particular subject in the run up to the Carl Ford hearing. Now to suggest, that if your characterizing Fulton's coming at the request of a Subcommittee Chair to brief the Committee on which there were both Republican members and Democratic members as "campaigning in Congress," than that's an interesting characterization. So, his briefing of the Subcommittee on Western Hemisphere Subcommittee was campaigning?

FREDERICK FLEITZ: I didn't say that. I said we received

information that Mr. Armstrong was campaigning against the speech, with people on the Hill, with people in the policy community, and people in the media, and that was inappropriate.

JANICE O'CONNELL: It was inappropriate for him to brief members of the Committee?

FREDERICK FLEITZ: I didn't say that.

JANICE O'CONNELL: Other than briefing members and staff --

FREDERICK FLEITZ: We got a number of reports of contacts that Mr. Armstrong had with people on the Hill.

PATRICIA McNERNEY: It's not the contact, Janet, it's going and saying it hadn't been cleared.

PAUL FOLDI: Any other new issues? Thank you very much, we appreciate your time.

(End of audio.)

P R O C E E D I N G S

Mr. Foldi: All right. Let's go back on the record.

Ms. Rodley: I'm the Principal Deputy Assistant Secretary for the Bureau of Intelligence and Research, and I'm here and Mr. Westermann's request. Okay.

Mr. Foldi: What's your name again? Repeat your name.

Ms. Rodley: Carol Rodley.

Mr. Foldi: We're on the record. Do you want to do the intros Paul, or me. Why don't you give us the background,

when you started down at INR and what your portfolio is?

Mr. Westermann: My name is Christian Westermann. I joined INR in 2000. I was an active duty Naval Officer on detail, first to the arm control disarmament agency, which was then merged into the State Department in 1999. And I was moved to the Bureau of Non Proliferation in the State Department in 1999. I then was re-detailed to INR in 2000. I subsequently retired from the U.S. Navy in December of 2000, and was hired in January of 2001, as a INR Global CBWN analyst. Which I have kept that portfolio since then. I'm a GS-14.

Mr. Foldi: Were you hired as 14?

Mr. Westermann: I was hired as 14.

Mr. McKeon: How long were you in the Navy?

Mr. Westermann: I enlisted in the Navy in 1977.

Mr. McKeon: Twenty years.

Mr. Westermann: Yes.

Mr. McKeon: What rank did you retire at?

Mr. Westermann: I was a Lieutenant Commander.

Mr. McKeon: And when were you first detailed active?

Mr. Westermann: 1997.

Mr. Foldi: So you were on detail, from '97 to 2000, hired as a civilian civil servant in January of '01?

Mr. Westermann: That's right.

Mr. McKeon: Same position all four years?

Mr. Westermann: Yes.

Mr. McKeon: Same rank within the Bureau?

Mr. Westermann: Yes. Same office.

Mr. McKeon: What is the title of the office you're in?

Mr. Westermann: The Office for Strategic Proliferation and Military Issues. That's SPM.

Mr. McKeon: For those of us not schooled in INR organizations. Can you describe the hierarchy up to the Assistant Secretary from you?

Mr. Foldi: Then you, the Office Director.

Mr. Westermann: There is me, there is Beth Friesa who is my Division Chief.

Mr. Foldi: Was Beth your Division Chief currently, and at the time in question.

Mr. McKeon: In February, spring, winter spring 2002, and today.

Mr. Westermann: Beth has been my Division Chief since the beginning. And Craig Thielman was my acting Office Director at that time.

Mr. Levine: Excuse me, office is below division?

Mr. Westermann: Above. And then Neil Silver became my Officer Director.

Mr. McKeon: Do you know when that was roughly? We

can ask him.

Mr. Westermann: I believe July 2002. And then we've had a variety of Deputy Assistant Secretaries. Including Tom Fingar who was probably my DAS at the time. And then Carl Ford, well -

Mr. Levine: That's Assistant Secretary now?

Mr. Westermann: Tom was my Deputy.

Mr. Foldi: Who replaced Tom?

Mr. Westermann: Tom became the acting assistant secretary for a while, and then they hired Carl Ford. Carl Ford became the Assistant Secretary, Tom became the Principal Deputy Assistant Secretary, our office remained under Tom Fingar. And then when Carl Ford left Carol became my Deputy Assistant Secretary.

Mr. McKeon: And you're the PDAS now?

Ms. Rodley: Yes.

Mr. Westermann: Tom Fingar was the Acting Assistant Secretary until he was confirmed, and now he is the Assistant Secretary. So the titles have changed, the deck chairs have moved, most of the people are the same.

Mr. McKeon: Paul, can we to add go on a trail of questions for a while?

Mr. Foldi: As long as Ed doesn't mind being interrupted once in a while?

Mr. McKeon: Ed has a road map he wants to follow.

Mr. Levine: I want to start with Fred Fleitz either sending you, or telling you about material for a speech. When did this happen and what discussions if any were there between you and Fred, or others?

Mr. Westermann: For me it begins approximately on February 11th, 2002. When I had email correspondence with Fred about a paragraph he wanted to have added by the IC and Craig Thielman asked me to submit it through the cleared language demarche clearance process. On February 11th I saw the memo that Fred had drafted and it wasn't in the format that is required by CIA when we send these things over. So I asked him for some additional details. He got back to me at the end of that day and the next morning, based on what he gave me, and the additional work I did I sent an email to the CIA to Ted Davies and Cathy Sullivan. Who Ted Davies was the head of the demarche co-ordinators office. And Cathy was our principal point of contact in his office for co-ordinating the release of classified language.

The request was for a paragraph to be declassified from top secret comment, or no foreign gama, to unclassified.

Mr. Levine: A reminder that we are unclassified here. If you need to use classified to give us an answer. Tell us that and we will postpone that to some later occasion.

Mr. Westermann: I understand. As I said, the purpose of this was to take a code word level paragraph that

was to some extent sourced. It wasn't exactly in the way in which we normally do this. It was a paragraph that was drawn from finished intelligence, as well as raw intelligence. And so we tried to give the community, the co-ordinator as much information about this so that they can then determine who needs to see the paragraph.

Mr. Foldi: How did you know that it was from both finished and raw intelligence?

Mr. Westermann: Fred told me. Plus I could see from the references. So we sent it across on February 12th. And then that was done by midday I suppose, and then at the end -- toward the end of the day, around 4:30 or so, I had an email from Fred saying that he had heard from whom I presume was Ted Davies, that he had been informed that INR had objected to this and offered alternative language and asked me to come to the Under Secretary's Office and to bring this email with me.

And that's what I did.

Mr. Levine: Is it normal to object and provide alternative language?

Mr. Westermann: Yes, we do this all the time. Whether we do it in the process of writing the draft that goes across, or after a request for cleared language is made if there's some particular issue, or whatever INR with its hat as a member of the Intelligence Community contributes to the

process of declassifying, or changing the classification level.

Normally what we work with is code word. But when we in the more traditional sense, where we are seeking to demarche a country perhaps. Related to a transfer of a commodity, with proliferation concerns, we might ask that certain points, or certain information can be conveyed at the secret level and releasable to particular government, or governments. And all of us in the community play in the process of finalizing that language. Such that we can then put it into a cable and send it through the State system to our posts abroad who can then deliver it as either a non-paper or as a demarche.

Mr. Foldi: Can I go back to that point you made, on the question of when you send language to be cleared, at the same time it's commonplace, traditional, whatever -- please pick a word and let us know for INR to supply its comments at the same time, the text is transmitted?

Mr. Westermann: You know this is -

Mr. Foldi: I'm trying to understand the process.

Mr. Westermann: I wouldn't say that there's a rule book about how this is done. But I would say there are -- we probably submit these kinds of requests in upwards of I don't know, maybe 10 to 20 a week across, just from our office alone.

Mr. Foldi: I understand, but the question is, when you submit the request, do you also submit the INR comments?

Mr. Westermann: We can, yes.

Mr. Foldi: You can, but do you?

Mr. Westermann: Yes we do.

Mr. Foldi: Routinely, often, once in a while, periodically.

Mr. Westermann: You see, sometimes we submit comments immediately or sometimes we wait for the demarche co-ordinator to send a response out to the whole community. And so in this case, I submitted our comments right away.

Mr. Blinken: Why would you do that as opposed to waiting for it to come back from clearance?

Mr. Westermann: Because Fred had given me the impression that they wanted this to move fairly quickly. So instead of

-- I thought I was adding value to the process at the time.

Mr. McKeon: Aside from that kind of rush, what are usually the factors that lead you to provide comments simultaneously with the transmission, or to wait for the demarche co-ordinator. Is there a common practice that you or other of your colleagues follow?

Mr. Westermann: I think generally it might be more dependent on a particular analyst and whose sending the request to the demarche co-ordinator. There is no rule book

on when you're supposed to do this.

Mr. McKeon: Are there any written procedures on how to do this?

Mr. Westermann: No. There is a State Department -

Mr. Foldi: You're the PDAS, what is the deal?

Mr. Brown: Maybe Carol should answer?

Mr. Westermann: I appreciate everyone trying to ask several questions, but I think I was asked a question. This is the kind of a down in the weeds process that analyst work on and we normally do not involve our front office on this routine process. And to best answer your question, there are no to my knowledge written rules, about step one you do this, step two you do that. There is a department notice about how everyone in the department is supposed to handle requests to clear language for demarches.

Mr. McKeon: And what does that say?

Mr. Westermann: I don't have that with me. I'm sure you could ask for that document.

Mr. O'Connell: This is a demarche, not a speech or it doesn't matter?

Mr. McKeon: Let's clear up the confusion. The demarche co-ordinator at CIA clears demarches as well as public letters, or public speeches by senior officials.

Mr. Westermann: It's the declassification point of contact for us, if somebody wants to change anything related

to a classification of intelligence and use it somehow. This is who we go to.

Mr. McKeon: And this is in WINPAC?

Mr. Westermann: Yes.

Mr. McKeon: So it's the people that you and your colleagues who do WMD deal with, but INR people doing other things, have another point of contact?

Ms. Rodley: We have an office in INR that does declassification.

Mr. O'Connell: But for example, for other things would the NIO sometimes clear?

Mr. Westermann: The NIO maybe involved, in the community process, but that would be decided by WINPAC co-ordinator. They are the ones, who based on the information that is provided in the request -- they are the ones who determine the distribution. INR doesn't make that determination, we just send it to the co-ordinator. And then the co-ordinator handles the distribution. If you have questions about who and when, and how you need to talk to Ted Davies for example, or other people who have held that position. Perhaps even other people that run that office and ask them questions about how they run that office.

Ms. Rodley: Can I just make a point about the process related to a question that was asked frequently. Bureaus that want to have language declassified will come to

us in the process of crafting the language and ask us to help them draft language that would be easily quickly cleared by the IC for release, for declassification, for a demarche, or for use in a public way. So that is not an unusual part of what our analyst do.

Mr. McKeon: Do you happen to know the date of this department notice?

Ms. Rodley: I do not.

Mr. McKeon: Is it a recent, or is it several years ago?

Mr. Westermann: It could be a couple of years old by now.

Ms. Rodley: It's one of those things that gets republished on a fairly regular basis, because it's the sort of thing people need to be reminded about.

Mr. McKeon: But there's nothing in the FAM on this?

Mr. Westermann: I'm not a FAM expert.

Ms. Rodley: Me neither sadly.

Mr. McKeon: Is there an internal bureau memo that says here's how you ought to do this?

Ms. Rodley: Not down to the level of detail you're talking about, about whether to submit comments before or after we do things. It's at the discretion of the individual.

Mr. McKeon: And is there a comment -- common understanding among experienced analysts about how this is

done, or as Mr. Westermann has suggested it's different analysts do it differently.

Ms. Rodley: The common understanding is to try and be helpful to the policy bureaus or our customers, so that will vary from office to office, and bureau to bureau.

Mr. Foldi: If I may ask, would you be able to provide us examples of other such declassification submissions, at which point the analyst requesting the declassification, provided a comment simultaneously?

Ms. Rodley: I would have to look, I don't know the answer to that. It seldom comes up to the front office.

Mr. Foldi: But that's the issue at hand.

Mr. McKeon: What was your position in the Navy, we should have covered that. Were you an Intelligence Officer?

Mr. Westermann: I was actually a Combat Officer, but I had a sub-specialty in intelligence, and I had several assignments, and I had a sub-specialty in intelligence -- joint intelligence.

Mr. McKeon: How many assignments did you have in the intel world as a Navy officer?

Mr. Westermann: Two, maybe three. Because I had two where I was filling -- actually filling a position as a Joint Sub Specialist in a joint command, so I wasn't really in a Navy Command, but I was using my Navy sub specialty as a Joint Intelligence Officer, I served as an Arms Control

Inspector. Both in the late 1980s, and in 1994 -'95 as a missile inspector.

Mr. McKeon: And in any of those intelligence jobs did you also engage in clearance activities of this kind for senior Naval Officers, or JCS?

Mr. Westermann: No, I was not an analyst. I was an operator.

Mr. Foldi: Back to Ed.

Mr. Levine: So you, if I understand, you sent to the demarche co-ordinator, the language that the T wanted declassified along with your own comments?

Mr. Westermann: Yes. And plus it was a very short comment indicating that we didn't concur with the declassification of the Top Secret gama paragraph to unclassified. And suggested some alternative language.

Mr. Foldi: You sent an email to that effect?

Mr. Westermann: I did.

Mr. Foldi: Can you share the email we have please. Since you have it in front of you. You have that email there.

Mr. Levine: That is not the one.

Mr. McKeon: We don't have this email? Do you recall how th email was structured, what it said -- we're hopeful of getting it. Anything you remember will shed light at this point.

Ms. Rodley: Assuming it's not code word.

Mr. McKeon: Mostly the structure.

Mr. Westermann: I said Cathy -- I have a cleared language request from Under Secretary Bolton. I think I put in parentheses, Fleitz. So she knew that it was coming from the Staff Officer. I said they would like to have this, please find attached, because what I did was I actually attached Fred's memo with everything that Fred wrote.

Mr. Foldi: It's technical, but was it a .pdf file, did you just super copy it?

Mr. Westermann: It wasn't like a soft word document, and I used my Microsoft Outlook and I attached the Word document to my email. Actually to my ICEmail. Because it was done on the High side, on our system that handles code word email. And - so that they would see exactly everything that Fred wrote. Because I attached that memo. And then I just said that, would you please put this through the process. And there is a suspense that is contained in the memo, and then I provided some additional references for the paragraph, serial numbers and things like that to assist them in sorting out what Fred said was the source documentation for the paragraph. And then I wrote INR does not concur with the suggested language and I wrote INR suggests an alternative paragraph, and then I wrote what I thought might work.

Mr. Foldi: Would you have had to clear your suggestion with anybody?

Mr. Westermann: No. Because I'm the substantive expert and it went forward. And it wasn't -- you know I said I suggest this alternative language. I didn't say that it had to be that, or that or didn't have to be that. I just said here's my two cents worth as a member of the Intelligence Community in having a stake in the process. I just put that into the mix. In Fred's memo as well as what the Intelligence Community co-ordinator sent out to the rest of the community, they asked for a review of the language, the suggested language by Under Secretary Bolton's office for completeness and accuracy as well as sources and methods. So it was a substantive, as well as a declassification process. That was made clear both by Fred in his memo and by the demarche co-ordinator.

Mr. Jannuzi: And when the demarche co-ordinator sent out that request for clearance did they send out your INR suggested language or did they just send out the Fleitz Bolton language with the request for comments and clearance?

Mr. Westermann: It's a little hard for me to recall if they put my suggestion in there at that time. What they were more focused on at that point was making sure that Under Secretary Bolton's paragraph -- I never saw the speech, it was just a paragraph. They just told me about a speech. So it was just that that went across, they might have -- I really cannot recall since I don't have the document in front of me.

But you know they asked for the whole community to review this for accuracy and completeness. And sources and methods consideration.

Mr. McKeon: Since you had already given INR comments would they have even sent you back an email in this regard seeking clearance, or what is it just an automatic email to the whole community?

Mr. Westermann: They included me so that I would see what they sent out, but I never responded to that, since essentially my input was already in and of course now I never saw what the rest of the community said. I got a little tidbit when I sort queried later on. I asked for an update, because we were getting close to the deadline when Fred wanted it back, and there had been some problems in the community with the language and so other people were obviously changing what had been suggested. But I didn't really have any visibility, there wasn't any transparency into what the other agencies were saying. I'm sure that information is available, it's just that I never saw what the other agencies -- and actually I would like to point out that in this process normally I don't always see, rarely in fact would I say that I see the other agencies comments. We give our comments and then the co-ordinator sort of handles the final process and then we get sort of an end result. And then we provide that to whoever requested it.

Mr. Levine: Since you are rarely the originating office for the information that is being used, that is not a shock.

Mr. Westermann: Most of what we ask for is usually for proliferation in the SCI realm. NSA is our primary reviewer.

Mr. Levine: So you sent out this email with the attachment to the demarche co-ordinator, what happened after that?

Mr. Westermann: That's when I got an email from Fred saying that he had obviously had a communication with who I think was Ted Davies, that hey, INR sent this across Fred must have been asking to see if we had done it, to find out if we had actually pushed it forward. And that's when he sent me an email saying hey, CIA tells me that you objected to Under Secretary Bolton's language. And come see me. And so that's when I went up to the office and Fred ushered me into see Under Secretary Bolton.

Mr. Foldi: So Fred sent you an email? Maybe you know, maybe you don't, maybe you've got it, maybe you don't, saying whatever happened to that? And did you say, I sent X, Y, and Z?

Mr. Westermann: No, I got an email from Fred, basically saying CIA tells me that INR objected come up to the Under Secretary's Office with this email now. And I went.

Mr. McKeon: Let's go to this document. This is the email we've talked about in the last discussion, February 12th, first email here is to Fleitz from Mr. Westermann, and then reply, it seems to us that there's a part of this email missing. That is Fleitz is either his original, or maybe he phoned you at first, if you would take a minute to read that.

Mr. Westermann: This is the email dated February 12th, 2002. My first response to Fred at 4:23 p.m. saying I sent your memo intact to the CIA for co-ordination to the IC for cleared language, I added citations so they could reference the intelligence. This was just trying to tell them I was assisting the process so that they could properly review the material. You can't reviewed classified material if you don't know where it comes from. And then two minutes later, Fred says CIA says INR disputed the language that Mr. Bolton wants to use and offered alterna -- alternate language, please bring my memo and this memo, to T. Thanks Fred Fleitz.

Mr. McKeon: Do you recall was there another email from Fleitz that led to your email. Because yours was the original on this piece of paper. There must have been something that prompted your email to Mr. Fleitz.

Mr. Westermann: I don't recall. It might have been. Since I don't have a record of an email trail, it might have been a phone call where he might -- or he might have called someone else, and then someone asked me to tell Fred

what's going on.

Mr. Jannuzi: Do you have voicemail?

Mr. Westermann: We have voicemail I just don't recall what happened prior to 4:23 on February 12th, 2002 right now.

Mr. Foldi: Is there any reason why you would not have mentioned in that email that I sent your email and citations and INR comments?

Mr. Westermann: Is there any reason I didn't?

Mr. Foldi: Because you said to us you sent the memo you sent the citations, you also sent INR's comment, which obviously if you're from Bolton's shop you're not going to be happy, because it says it's not what Bolton wants. Is there any other particular reason?

Mr. Westermann: I probably didn't say it because I didn't think it was that important. Because as we found out, and as you know, many people commented on Mr. Bolton's suggested text. And CIA didn't send a note as far as I know telling Mr. Bolton that other agencies have been working on his language and submitting alternative language. Apparently the problem was that INR -

Mr. Blinken: But none of the other agencies at that point had done so, isn't that correct?

Mr. Westermann: Right. As far as I know, at this time it had not been released to the community. But certainly

other agencies did have problems with this language because the language eventually came back altered. And we don't normally -- I mean this is an internal process in the Intelligence Community, when you're asked to comment on completeness and accuracy and sources and methods. This is an Intelligence Community process and business, and we were still in -- we were still in the process. We weren't anywhere near a conclusion. I think it would be different perhaps if my language became the ultimate language or something that I really could control the process. But since I don't control the process and am just one element of the process, my comments I wouldn't say that they have great weight.

Mr. Foldi: Again, even if you had not attached your comments and sent it over to CIA at that same time, at some point would you have sent comments to CIA?

Mr. Westermann: Yes.

Mr. Foldi: Would they have been any different from what you sent? Is there any reason to suspect they would have been different?

Mr. Westermann: I don't think there would be any reason to think they would be any different. But perhaps I would have written something slightly differently on February 13th, versus February 12th.

Mr. Foldi: Why?

Mr. Westermann: Because maybe I might have had more

time to think about alternative language. I might have spent more time thinking about INRs footnote in the NIE on Cuba. There are many elements to what I might have suggested. I might have perhaps on the next day, I would have some particular -- at some particular point where grammatical structure in the paragraph that was being studied I would have reacted.

Mr. Brannigan: But none of these considerations were enough to have you send back another answer when the language came through the normal process for you to clear?

Mr. Westermann: Absolutely not. I had made my input to the co-ordinator and I just wanted the process to go through its paces and something would come out the other end.

Mr. McKeon: When you send language to the co-ordinator on language that is sought to be cleared by a State Office do you ever send copies back to that State Office FYI, this is our view, or is it all internal to the IC?

Mr. Westermann: It's all internal to the IC. I think there was particular -- sometimes we get into discussions as we draft a lot of what we do on the cleared language process deals really with -- for me with one office. And because of the committee structure that I work with, and the committee that I sit on, and so you develop a personal relationship so I might not -- it might not be that formal. I might discuss what's called a cleared language request memo

that the Policy Officer had written most likely in my own office and then discussed it with him and said, you should change that word, or if you look at this evidence it's an iterative and relationship oriented process.

Mr. McKeon: But it wouldn't have been customary -- or would it have been customary to cc Fleitz on your email and say Fred FYI, I sent you think thing over and here's my comments.

Mr. Westermann: I couldn't do that because of the classification, it's a different system.

Mr. Blinken: Prior to sending over the Fleitz memo, had you discussed the contents with him? In other words had you had any discussion of the language that the clearance was being sought?

Mr. Westermann: No. Just I believe we had that email exchange and maybe a phone conversation about hey, I can't send something across for declassification without the serial numbers and the source.

Mr. Blinken: He didn't object, or raise questions about the language before sending over his memo and asking for your comment on it?

Mr. Westermann: In this particular case it was one where like my Office Director told me, hey we've got this from T, would you please get it into the system. I was never really engaged with Fred or with anyone in T about the

substance of this. I was acting more in the capacity, of what I would sometimes call being the Intelligence Admin guy.

Mr. Foldi: Had you spoken with Fred about this particular language prior to him sending it to you electronically for clearance? Had you spoken with him about any of the Cuba-BW stuff?

Mr. Westermann: I really don't recall. I think at this point I was just focused on making sure that what he wanted was in some general format compatible with what we normally do.

Mr. Foldi: Let me rephrase it. Would you have had any discussion with him that would have led you to believe that he would not be happy with your changes?

Mr. Westermann: I don't think so. I believe my recollection is that Fred -- Fred didn't come to me first. He went to other people in INR about this. And eventually it got to me to make it happen. I was not the first person involved in this.

Mr. Foldi: Is there a reason for that? Is it because you're the BW guy?

Mr. Westermann: I think Fred felt that he wanted to deal with someone at a higher level?

Mr. Foldi: Did he go to your office Director?

Mr. Westermann: I think he went to my office Director.

Mr. Foldi: Who at that time would have been?

Mr. Westermann: Greg Thielman.

Mr. McKeon: Let's go off the record for a second.

(Off record)

Mr. McKeon: Back on the record. I think the last issue was that Mr. Westermann was saying that Mr. Fleitz wanted to start at a higher level than he in this clearance process, and you had a sort of train of questions.

Mr. Foldi: Well we were asking -- well somebody go ahead.

Mr. Levine: So you were called up to T's office along with your papers?

Mr. Westermann: Right.

Mr. Levine: What happened then?

Mr. Westermann: I went into see Mr. Bolton.

Mr. Levine: Was this the first time you'd seen him, or was it common to see him?

Mr. Westermann: It was not very common at all. I don't think I had ever met with him personally in his office before this.

Mr. McKeon: Had you ever been in a meeting with him?

Mr. Westermann: I might have been in group meetings with him, once or twice before. But it is hard for me to make sure, did that happen before this, or after that, or whatever.

But anyway I'd never been in a small intimate meeting with him. And I explained to him. He was quite upset that I had objected and he wanted to know what right I had trying to change an Under Secretary's language. And what he would say, or not say or something like that. And I tried to explain to him a little bit of the same thing about the process of how we clear language. And I guess wasn't really in a mood to listen and he was quite angry and basically told me that I had no right to do that. And he got very red in the face and shaking his finger at me and explained to me that I was acting way beyond my position, and for someone who worked for him. I told him I didn't work for him.

Mr. McKeon: Can you repeat that.

Mr. Westermann: I'm recollecting here.

Mr. McKeon: You mumbled a little bit for the reporter.

Mr. Westermann: He sort of characterized it in terms of someone who worked for him. And I don't remember if I said anything or if I whether I was just thinking at the time, that I actually worked for Carl Ford. And not for Under Secretary Bolton. And so, he basically threw me out of his office and told me to get Tom Fingar up here. And so I went back to the INR front office and I told Tom Fingar what happened. And that Mr. Bolton wanted to see him. And I believe Mr. Fingar went to see Mr. Bolton.

Mr. Foldi: Did Mr. Bolton at any time threaten your employment?

Mr. Westermann: No.

Mr. Foldi: Did Mr. Bolton at any time suggest that he would do something to cause you to lose your job?

Mr. Westermann: None of these remarks were ever directed at me. They were told to me by Carl Ford, Tom Fingar and Neil Silver.

Mr. Foldi: Would you like to give us your recollection of what they told you, Bolton said about your employment.

Mr. Westermann: Carl Ford told me that Mr. Bolton wanted me fired. And Tom Fingar told me sometime later about me being removed.

Mr. Foldi: How did you interpret removed, to a new portfolio?

Mr. Westermann: Well, in the beginning there was really two phases to this. Right around this period of time was when apparently Carl Ford had a phone conversation with Mr. Bolton and it was Mr. Bolton telling Mr. Ford to have me fired, in which Mr. Ford told me that later.

Mr. O'Connell: Do you know when that was?

Mr. Westermann: I do not know.

Mr. McKeon: Roughly, was it that day?

Mr. O'Connell: Was it before you went downstairs to

go to Fingar?

Mr. Westermann: No, Mr. Ford wasn't available -- wasn't available that day.

Mr. McKeon: Fingar -- that's why Fingar was acting.

Mr. O'Connell: Did Fingar go up that day to see him?

Mr. Westermann: Yes. To the best of my knowledge he did. So it was Carl that told me, and then it was Neil Silver who told me months later when he showed up in INR and became my Office Director. He since Under Secretary Bolton's Office and the T family bureaus, they are our primary customers for the office that I work in Neil being the new Office Director wanted to get on Mr. Bolton's calendar and introduced himself, and just say that he was available to assist him in his work.

And what Neil told me about that conversation, which I think took him some time after he showed up to get onto Mr. Bolton's calendar, so I think this meeting occurred sometime in September of 2002. I think. Neil told me that at the end of the meeting that he had with Mr. Bolton, Mr. Bolton took him aside and out of the blue said, and that Westermann fellow we really would like to have him removed from his portfolio and transferred.

Mr. Foldi: Prior to that conversation with Mr. Silver had you had any other interaction with the T front

office, or with others in the BW field? In other words did you have any other run ins of this nature regarding intelligence?

Mr. Westermann: Run ins, I don't understand your question.

Mr. Foldi: In other words this incident with Secretary Bolton, clearly there's an issue going on. Did you continue to work in your capacity in the same way, or did you find your workload diminished on that front. In other words was there stuff you should have been handled being shunted to other people?

Mr. Westermann: We hired another analyst about that time and my Office Director at the front office asked me to limit my contacts with Mr. Bolton's front office and when we did get things that were directly tasked from them, from the T front office usually at that period, Dave Allen co-ordinated -

Mr. Foldi: Who is Dave Allen?

Mr. Westermann: He was hired as another CBW analyst in INR-SPM. And so that way I wouldn't have -- since apparently I had a personality conflict that way I would limit my contact with the T front office. I still maintained my portfolio, and worked with the working level of the T family bureaus.

Mr. Brannigan: Did you consider this a disciplinary action?

Mr. Westermann: I think that obviously it was a change in what I normally would do. Since I worked with them in the past. But I think that management has the prerogative to try to -- you know it's a difficult -- you know it's a work environment. We all tried to do our jobs and part of that might mean trying to ease relations when things aren't the best. So I think it is within the prerogative of management to tell me, don't go there.

Mr. Brannigan: It's also within their prerogative to punish you. I'm just curious if you consider this a disciplinary action against you by this action, or was it just sort of a management decision to and no reflection on you?

Mr. Westermann: I certainly had the full support of INR in terms my analytic ability and while there obviously were problems perceived, they wanted to minimize those problems by limiting my contact.

Mr. O'Connell: So you did limit your contact?

Mr. Westermann: I did limit my contact for a long time. And we just had to adjust. I also would say that I was still able to supervise and manage the CBW accounts, such that even though I might not have been the person physically emailing to the T front office, there was transparency over what we were receiving and I worked with my colleagues as necessary.

Mr. O'Connell: Were you surprised that five or six

months later when you had minimized your contact with the front office that this was still an issue with Mr. Bolton?

Mr. Westermann: I was very surprised because -- because it was re-emergence of an action to change my work portfolio to remove me from my job essentially when there had been no other reason for this. To be raised again, so many months later and I was deeply concerned about this and I did have consultations with a variety of people in management about this and what I considered and what I considered was a pattern. But it was my personal decision not to pursue an EEO complaint or anything more formal.

Mr. McKeon: How long was your meeting with Mr. Bolton?

Mr. Westermann: It couldn't have been very long. A few minutes.

Mr. McKeon: Two minutes, five minutes.

Mr. Westermann: Maybe five minutes.

Mr. McKeon: And when you -- he threw you out of his office how did he do that?

Mr. Westermann: He just told me to get out and get Tom Fingar, he was yelling and screaming, and red in the face, and wagging his finger. I'll never forget the wagging of the finger. That's perhaps his style.

Mr. McKeon: Have you had any subsequent contact with him since that day?

Mr. Westermann: Only in group meetings and very limited contact, no I've not had any personal contact or worked directly with Mr. Bolton on any particular issue.

Mr. O'Connell: Has any of the work product from INR -- has he been dissatisfied with it, or is it inconsistent with his particular views?

Mr. Westermann: It's rather interesting. After this incident occurred in February 2002, just a month later I received two emails on two different subjects from Fred Fleitz saying that they were very please with some products that I had written and thought they were excellent support for Mr. Bolton.

Mr. O'Connell: Do you have copies of those?

Mr. Westermann: Yes.

Mr. McKeon: Can we make a request for those Chris?

Mr. Brown: Can you get those emails to us. I'll take it under consideration.

Mr. McKeon: Understood.

Mr. Westermann: I think also I was trying to review this again, but I even -- there was some other issue in which I wrote a finished analysis product in which I received a kudos, from Mr. Bolton. And it might even have been entered into my performance evaluation. I certainly know that Beth Friesa kept a copy of that email. Sort of commending me for my analytic work for Mr. Bolton.

Mr. Levine: When would that have been?

Mr. Westermann: It would have happened in 2002.

Mr. O'Connell: Sometime between February and September?

Mr. Westermann: Yes. I think so.

Mr. McKeon: Any email from Fleitz in the spring/summer of 2002?

Mr. Westermann: Those emails from Fred were maybe in the March, April, May time frame of 2002.

Mr. Jannuzi: Other than Mr. Fleitz and Mr. Bolton was anyone else present at the time that you had your meeting with Mr. Bolton?

Mr. Westermann: It was just Mr. Bolton.

Mr. Jannuzi: Was Mr. Fleitz not in the room?

Mr. Westermann: I don't think he was present. He might have been. I believe the door was shut. I don't think Fred came in with me. But I was standing about as far away from Mr. Bolton as I am sitting from Ed.

Mr. Jannuzi: You were focused on the finger?

Mr. Westermann: I was very focused. He had my full attention.

Mr. O'Connell: So Fleitz may have been in?

Mr. Westermann: I don't have any definitive recollection, but I doubt it. I really doubt it.

Mr. Foldi: Would you constitute Mr. Bolton's

displeasure with your attempts, with your suggested changes as political pressure to change analysis?

Mr. Westermann: As I've testified, or been interviewed by both the SSCI, and the HPSCI, my view on political pressure goes to the part in which they asked to have me fired and then returned six months later to have me removed from my position. Disagreements or different viewpoints on analysis do not constitute pressure. It's the threat of my job, the removal and the continued sanctioned that I found to be pressure.

Mr. Levine: I'm a little confused over what the nature of the disagreement was. Can you in an unclassified manner give us a sense of that, or not.

Mr. Westermann: All I can say, is Mr. Bolton was very unhappy that a working level analyst had the temerity to alter language that he wanted to say. He didn't like that, and he yelled at me.

Mr. Foldi: But you would have had that opportunity anyhow if I understand the process correctly. If you had not attached your comments when it was sent over to WINPAC? Rather when WINPAC sent it around?

Mr. Westermann: I don't see why you focus on this issue of timing. I have the authority to comment whether it's on this day, or the next day. So I think you're a little bit off base here, when you're focusing on timing.

Mr. Foldi: Let's just say you weren't in the last meeting.

Mr. O'Connell: Did he indicate to you he was in some hurry to get this done?

Mr. Westermann: Yes.

Mr. O'Connell: That was part of your thinking?

Mr. Westermann: Yes. I was thinking I was adding value to the process by speeding things along. Hey, here's the request, and here's my comment.

Mr. Brannigan: Back to the meeting with Bolton for just a minute. You said I believe that the three minute meeting in no time did he personally threaten your job, is that correct?

Mr. Westermann: That's correct. He didn't have time, he just threw me out of his office.

Mr. Brannigan: Do you recall immediately after that meeting going to someone else and telling them that as a result of this meeting you felt your job was in jeopardy?

Mr. Westermann: Immediately after that meeting, I went and saw Tom Fingar and told him that he was needed in Mr. Bolton's front office.

Mr. O'Connell: Did you tell him what had happened?

Mr. Westermann: Yes.

Mr. Brannigan: Did you tell him that your job was in jeopardy?

Mr. Westermann: At that time no. As I said, I didn't know about being fired, until Mr. Ford told me.

Mr. Brannigan: And even within a week or two, anybody else that you met, did you say, boy I had this run in with Bolton and I think my job's in jeopardy?

Mr. Westermann: I never said those words.

Mr. Brannigan: Or indicated that prior to -- so the first time you heard you believed -- the first time you believed that your job was in jeopardy was when Carl Ford told you about his conversation?

Mr. Westermann: And also I believe Tom Fingar when he had his conversation with Mr. Fingar -

Mr. Foldi: When Fingar spoke to Bolton?

Mr. Westermann: When Fingar spoke to Mr. Bolton.

Mr. Foldi: That same day?

Mr. Westermann: That same day. So there were two things that must have occurred. There was a conversation Mr. Bolton had with Mr. Fingar which must have had some sort of conversation surrounding my employment. So Mr. Fingar has certain recollection. And then at some other time when Mr. Ford came back on the scene he had a phone conversation I believe, I'm pretty sure with Mr. Bolton in which that conversation was -- must have generated a comment about me being fired.

Mr. Foldi: What did Mr. Fingar tell you about the

incident, in other words what did he tell you, you did the right thing, you did the wrong thing. What did Fingar tell you? I mean obviously I'm assuming he went straight up to Mr. Bolton and sat you down and had a heart to heart. What did he tell you?

Mr. Westermann: No. He never really had a heart to heart. He wanted to know what happened, I explained to him what had happened, and what I was doing as far as the process was concerned.

Mr. McKeon: This is before or after he went to see Bolton?

Mr. Westermann: I think I might have dropped in. There's a possibility I dropped in to tell Mr. Fingar that I was on my way to see Mr. Bolton because I thought he would want to know that I was on my way to an Under Secretary's Office and then when I came back I gave him the short debrief. And then Mr. Fingar went to see Mr. Bolton at whatever time he went.

Mr. McKeon: And then after that was there another meeting, that day or the next day between you and Fingar in which he described this meeting with Bolton?

Mr. Westermann: It's a possibility. I don't have a record of that. And all I know is that Carl Ford and Tom Fingar have always expressed confidence in me, and encouraged me to continue to do the work that I've done. And at that

time they told me I had nothing to worry about. And when INR was not privy to any emails when INR is -

Mr. Foldi: If they take objection to a passage where there's a disagreement is there some phraseology that is used shorthand or anything like that? In other words, if you've got a passage, and you go well that's just flat out wrong. Does it matter? Are you free to comment on any intel out there at any point, or are there restrictions on your ability to comment?

Mr. Westermann: We're free to comment.

Mr. Foldi: On any product, and I have to bring you in Carol so you need to take a mike, is that correct? INR can comment on any product regardless of source, is that correct?

Ms. Rodley: That comes up for this process?

Mr. Foldi: For declassification is that correct?

Ms. Rodley: Yes.

Mr. Foldi: And does the phrase does not concur, is that somehow unique, do you use it all the time?

Ms. Rodley: I can think of any number of different phrases people might use in this process, they might say, this is not an accurate reflection of the Intelligence Community's position on subject x. It could be as short as does not concur. And it could be paragraphs long.

Mr. Foldi: So to say that INR does not concur with a product, or a declassification, is not in anyway

inconsistent with INR's duties is that correct?

Ms. Rodley: That's right.

Mr. Foldi: And again, I'm sorry. From the PDAS is it standard operating procedure or it's not, or it's not inconsistent to at the same time you send some information for clearance to supply INR comment?

Ms. Rodley: That's right. It is not inconsistent, it is not outside the procedures.

Mr. Foldi: It is not outside the procedures, thank you.

Mr. McKeon: After Fingar went to see Bolton, did he admonish you in any way for having done something outside procedures or improper?

Mr. Westermann: No.

Mr. McKeon: Did Ford admonish you in anyway?

Mr. Westermann: No.

Mr. McKeon: Did any of your supervisors?

Mr. Westermann: No.

Mr. O'Connell: How did they explain to you that you should not have contact with the front office anymore?

Mr. Westermann: I think they just told me that because of these troubles, problems, that I should just limit my contact. And that's what we did.

Mr. O'Connell: When you heard that Bolton was seeking to have you removed in September of 2002, so many

months after this incident. Were you then worried you might lose your job?

Mr. Westermann: Well I did have a conversation with Tom Fingar about what I considered a pattern of behavior. But I was reassured again by my management that they had the highest regard for my work, and my position and I had nothing to worry about. And while I was upset about this continued problem, that had surfaced again with the meeting with my Office Director, a new Office Director who knew nothing about this past incident really. It took him by surprise as he recounted to me and in some way might characterize his views of me, since he was new to the office. But again, I've had incredible support from INR and later of course from Secretary Powell, Deputy Armitage, Under Secretary Grossman. So I think that while I was upset, and while I thought about doing other -- seeking some sort of action to this, the level of support that I received was extraordinary and it kept me from doing anything outside of the normal procedures, or managers decisions.

Mr. Blinken: At any point, in any -- did anyone in your chain of command at INR suggest that you had not acted appropriately or done something out of the norm, or done something you should not have done in the process of working with T on this particular project?

Mr. Westermann: I think the honest answer is no.

They obviously were not happy that this evolved into a shouting match well not a match. But ended up as we like to say in the Navy, it was one way communication. No one likes that. And so I'm sure that they would have liked it to be handled differently. But I was not admonished.

Mr. Foldi: Can you think of any reason why then that someone in the INR community would have sent Mr. Bolton an email saying quote unquote "we screwed up"?

Mr. Westermann: You would have to ask the person who wrote that.

Mr. Foldi: We might have to.

Mr. McKeon: You said you got expressions of support from the Secretary, the Deputy, and Under Secretary Grossman, can you elaborate on that?

Mr. Westermann: Well as you all might know, in June there was an article in the New York Times which specifically named me, during a HPSCI process in which I was asked along with my colleagues in I had every been pressured in the short time that I had to think about this, and I said yes. That information somehow got into the New York Times, and on June 26th Secretary Powell was asked a question on the record while in a press conference with Spanish Foreign Minister Ana Palacio, and he went on the record with saying that he was quite pleased, and happy that I answered the way I did. And then subsequent to that, on the record, when there were other

issues and I received personal private messages from the Secretary, the Deputy Secretary, and from Under Secretary Grossman. When they asked about me, and how I was doing and they told me that everything was fine, and that I had their support. And I received those messages primarily through Tom Fingar. So I received public support, and I received private assurances at that time.

Mr. McKeon: After your encounter with Mr. Bolton did you submit any other comments to the demarche co-ordinator on an issue in the subsequent day or two?

Mr. Westermann: No.

Mr. McKeon: Did you change your analysis in any respect?

Mr. Westermann: No.

Mr. McKeon: Did you phone over to WINPAC saying scrap that comment?

Mr. Westermann: INR had a footnote in the INE -- INR had an established position in which I was representing INR's long held position on this. And to be very clear, the problem in the language for INR goes to the language related to what Mr. Bolton wanted to say which was offensive biological weapons program. And it was those words that were inconsistent with what both the NIE said, as well as what INR's footnote. And so I was compelled by our long held and stated position on this subject. It wasn't as if I was just

thinking about this and coming up with an on the spot analysis. This was an on the record. This happened in 2002, and in 1999 we established this position.

Mr. McKeon: What was the term of art used?

Mr. Westermann: We in our footnote talked about the insufficient evidence, and at the time the NIE.

Mr. McKeon: Are we in unclass still?

Mr. Westermann: I'll stop there.

Mr. O'Connell: I actually think this is part of the public record.

Mr. McKeon: Can I just keep going on this trail, did you ask any colleague in INR to call over to WINPAC and say to them that email I sent yesterday or the day before, scrap that?

Mr. Westermann: No. I never asked any colleague.

Mr. McKeon: And so was there any communication from INR to WINPAC on the comments on the Bolton speech that were changed altered?

Mr. Westermann: Not by me.

Mr. McKeon: Your email stood?

Mr. Westermann: Yes.

Mr. Brannigan: And your failure to amplify on your remarks when they came back from WINPAC in the normal channels was not due to this meeting? Not due to your reaction to this meeting? You said you let stand your initial comments. You

didn't take the opportunity when it came from WINPAC in the normal process.

Mr. Westermann: Right. That's correct, I made no additional comments.

Mr. Brannigan: The decision to make no additional comments, was it influenced by the fact that you had this run in with Bolton.

Mr. Westermann: I think that, at the time I made the decision on grounds that my input was in. And there was no need to elaborate on what I had said.

Mr. Jannuzi: And if I may your choice of the words do no concur was that a reflection of the INR institutional position for instance in NIE? Because INR in fact had not concurred with that judgment.

Mr. Westermann: I would say that's definitely a correct assessment. Perhaps my fault was not to go into an explanation of the NIE. But by saying the community knows what the INR position was, I mean the people that would be involved in this understand that INR has an established footnote.

Mr. O'Connell: And isn't it -- I want to talk about this, without going into classified information. Hasn't INR been proven correct. I mean isn't that now the community now view that was once the footnote?

Mr. Westermann: That's correct. The community has

joined with INR in a reassessment.

Mr. Blinken: Put another way, the language that was ultimately cleared by the Intelligence community used by Mr. Bolton in his speech was that closer to the language that he original provided for clearance, or closer to the language you suggested be used in its place?

Mr. Foldi: Or somewhere in between.

Mr. Blinken: How would you characterize that?

Mr. Westermann: The final language was much closer, almost identical, the unclassified language which talks about the words that were added were limited, research and development, and program. I mean program was removed and effort was added. What was eventually declassified was essentially the communities 1999 estimate. The first few sentences of our judgment. So it reflects -- what finally was approved reflects closer to what the Intelligence community, despite INR's footnote what the community felt, and not what Mr. Bolton had wanted.

Mr. Foldi: Did you also address the topic of inspections in your comments?

Mr. Westermann: At some time later. I believe in the original comment, because all I put in there was INR doesn't concur, and here's some additional citations you should use. And here's my alternative language, that alternative language doesn't go into inspections.

Mr. Foldi: But had Bolton's language gone into inspections, and your alternative language therefore had stricken inspections?

Mr. Westermann: Right. I would like to remind everybody, just a moment. If I could talk to inspections, it was the Bush administration policy at that time not to support the DWC verification protocol which would have called for inspections and so any comment that I've made regarding really went to the heart of what was considered at that time a Bush policy on inspections. There was real concern that inspections would not provide the kind of detection and visibility into hidden offensive programs and so there was a real concern that inspections would not -- were not an appropriate tool.

So any comments I've made about inspections reflect those concerns. And those are concerns that also the Intelligence community has had about inspections on BW facilities.

Mr. Foldi: But if Under Secretary Bolton, and obviously these were bullets and not a complete speech. But he's perfectly within his rights to say, and I, John Bolton think that inspections would be a good idea. Is that correct?

Mr. Westermann: It didn't say, I, John Bolton. All I got was a paragraph that was sourced to Intelligence. I did not have a speech. It's important to remember that.

Mr. Foldi: I understand.

Mr. Levine: I'm a little confused here. And perhaps you are as well. Did the issue of inspections come up in this February 11, or 12 time period. Or was this something that came up later when the whole speech was being cleared?

Mr. Westermann: To my recollection the issue of inspections did not factor into anything I said on February 12th.

Mr. O'Connell: But was it in the material that was sent to you for clearance.

Mr. Westermann: I would have to look at it again. It's a possibility.

Mr. O'Connell: Were you involved in the May 6th speech?

Mr. Westermann: No.

Mr. O'Connell: So you didn't have any -

Mr. Westermann: No.

Mr. Foldi: Just for the record, you did not clear the text of the May 6th speech?

Mr. Westermann: I did not clear on the text of the May 6th speech.

Mr. Foldi: Did you clear the text of Ford's that used the similar language?

Mr. Westermann: Assistance Secretary Ford gave testimony to this committee, to a sub committee of this

committee in June.

Mr. O'Connell: This was March.

Mr. McKeon: It was probably the SSCI on global threats.

Mr. O'Connell: It was this committee.

Mr. Westermann: Anyway, he had unclassified testimony, and he had classified testimony. I wrote the testimony.

Mr. Foldi: Both?

Mr. Westermann: Both.

Mr. McKeon: So to your recollection, and we hope to see the email one day. Your email in February 12th to the demarche co-ordinator did not go to this inspections issue?

Mr. Foldi: The suggested text in that memo?

Mr. Westermann: The suggested text from me, did not address inspections at all. It was not in my language. I think I focused on Cuba's biotech infrastructure, and their contacts to rogue states is what I was discussing at the time.

Mr. McKeon: Do you recall if you suggested removing any text on observers? It's in the SSCI report. They may have confused it.

Mr. Westermann: He had his paragraph, then I wrote a couple of sentences, and said hey, this is my suggested text.

Mr. O'Connell: But did his paragraph have the issue

of inspectors in it?

Mr. Westermann: If I could have brought a few reference documents I would be able to tell you, but I was not allowed.

Mr. McKeon: This is probably a dry hole until we see the documents.

Mr. Levine: I want to just finish one aspect of this. It will only take a minute. You say you wrote the Carl Ford testimony on this point.

Mr. Westermann: Yes.

Mr. Levine: And am I not correct in my belief that the final text used by the Under Secretary Bolton was within a word the same text Carl Ford used?

Mr. Westermann: On that one sentence, yes.

Mr. Levine: So it least on that one point, whether you intended to or not, you wrote very largely Under Secretary Bolton's public statement?

Mr. O'Connell: That's not true. That's not true.

Mr. Westermann: What's important to remember is that -

Mr. Levine: On that one sentence -

Mr. O'Connell: That's not the sum and substance of what Mr. Bolton says about Cuba, where it is the sum and substance of what Carl says about Cuba.

Mr. Westermann: And also there's some off the

record remarks by senior government official at the Heritage speech, that go beyond what we cleared.

Mr. McKeon: On the same day?

Mr. Westermann: There was a Q & A session after the Heritage speech, and there's an email about that as well.

Mr. McKeon: And email from who, to who?

Mr. Westermann: Dave Allen and it involves me.

Mr. McKeon: You said Mr. Allen's name before, who's Mr. Allen?

Mr. Westermann: Mr. Allen was my colleague handling CBW and INR. And they asked him to co-ordinate to remove me from direct contact with Mr. Bolton's office. And we were asked to write a memo, send something to the Secretary because Mr. Armitage was interested also, in being able to make -- to do press guidance on the subject. So there's a series of information related to the aftermath of this event. Of the Heritage speech.

Mr. McKeon: This is all in the immediate aftermath of the Heritage speech?

Mr. Westermann: Yes. I don't think Mr. Allen was at that speech, but I mean it was made available by AEI. AEI has -

Mr. McKeon: AEI or Heritage?

Mr. O'Connell: I think it might have been a joint conference.

Mr. Westermann: The point is that, the comment, I mean they provided a transcript of what was delivered. And so that's when we looked at it and the secretary asked us to write in preparation of being able to make comments. And the Secretary -- we wrote a memo to the Secretary about this. And Mr. Armitage also, and they wanted press guidance on this. Mr. Armitage was the one that had to clear on the press guidance so this press guidance related to this, and a series of emails related to it.

Mr. O'Connell: When Carter was about to go to Cuba, shortly after this speech, he was briefed by people within the U.S. Government was he briefed by anyone to your knowledge in INR?

Mr. Westermann: INR was not involved in the briefing.

Mr. O'Connell: Was INR aware? Were you aware he was about to go to Cuba?

Mr. Westermann: No, I was not aware. I was aware that some friends of mine at CIA were part of a team that went to Atlanta. That was just friends. We were not asked to participate.

Mr. Jannuzi: Prior to February '01 had you had contact with Mr. Fleitz in his capacity as an analyst at WINPAC when you were on detail to ACDA, or starting work at INR?

Mr. Westermann: No I had no knowledge of Mr. Fleitz being an analyst.

Mr. Jannuzi: The first time you met him was in his capacity as a Special Assistant to Mr. Bolton?

Mr. Westermann: I was first made aware of Mr. Fleitz's nomination in an MOU that was written between INR and I believe Mr. Bolton's office about the detail of the CI officer onto Mr. Bolton's staff. And there was an agreement written up about how an Intelligence Officer would work as a Policy Officer and not as an Intelligence Officer in the Policy Office. And that is when I first heard about Mr. Fleitz. And then I only met Fred when he came to the department.

Mr. O'Connell: Was he also designated as liaison from the CIA to Mr. Bolton's office?

Mr. Westermann: I think you would have to ask CIA that question. I don't know exactly their personnel system.

Mr. McKeon: Prior to the February '02 incident did you have any meetings or dealings with Fleitz, if you recall?

Mr. Westermann: I'm sure I had some contact with Fred in those early days when he first came to the department. Yes. But I don't have a clear recollection. I'm not even sure I could tell you exactly what month Fred arrived to work in Under Secretary Bolton's office. I would have to research that.

Mr. McKeon: Were any of these meetings or encounters difficult or contentious in any respect?

Mr. Westermann: No.

Mr. McKeon: You had no personality conflicts with Fleitz or disagreements with him?

Mr. Westermann: No.

Mr. Brannigan: Prior to actually sending the message to CIA requesting clearance. Had you had discussions with Fleitz about the content of the memo you were going to send off? Or rather the language that he had sent you to clear?

Mr. Westermann: We had some email correspondence. And just to clarify, the sourcing because of the process.

Mr. Brannigan: So in that process did you make a request for him to provide you with extra background material?

Mr. Westermann: Yes.

Mr. Brannigan: Did he comply with that request?

Mr. Westermann: Yes he did.

Mr. Brannigan: So everything you asked him for, he complied with?

Mr. Westermann: To the best of his ability. You know we tried to -- the problem was that Fred, when he gathered that information to write this paragraph, to draft the paragraph. Was that he used a combination of finished intelligence and raw intelligence. And so, when you say that

something is sourced to finished intelligence, you then have to go back to that product, that finished analysis which then has a whole series of sources that underlie that analysis. And so it becomes a little bit more difficult than what I was trying to get at with Fred was, can we really pinpoint so we can help the process because if you don't give enough detail on which point comes from where it makes it much harder for people to declassify. So this is why I had this little back and forth with Fred.

Mr. Brannigan: Was this also asking for this information were you also expressing the skepticism you later put in the memo about, that you basically do not concur. Is that why you were asking for the extra sources?

Mr. Westermann: No. I was strictly thinking about the process in my experience with handling cleared language requests. And what I know are the demands of the coordinators for these things.

Mr. Brannigan: Prior to sending off the memo did you indicate in any way to Mr. Fleitz that you would not be concurring with the three sentences he asked to be cleared?

Mr. Westermann: I don't think I ever had a discussion with Fred about what INR's position was going to be on the clear language process. As I said before we regard that as an internal IC process. And he was a Policy Officer.

Mr. Blinken: Did Fleitz when he asked you for the

additional information express any reservations about providing it?

Mr. Westermann: I think that Fred -- Fred gave me the background material eventually. Fairly quickly I mean, I did not regard this as an onerous process or a problem with Fred or whatever. I told him what I needed and he eventually gave me some more supplemental information and I went with what I had.

Mr. Blinken: You say eventually. But before he provided that material did he express any reservations about providing it? Did he express any concerns that this was something that wasn't necessary?

Mr. Westermann: He might have I don't have a clear recollection, he might have. But bottom line is, eventually I got more information out of Fred.

Mr. Blinken: Could it be construed the additional information you were requesting was unusual or meant to slow down the process?

Mr. Westermann: It's possible that he could think that since he was not an INR analyst, and wasn't aware of what we do in INR regarding the process for releasing cleared language requests into the demarche co-ordinator's office.

Mr. Foldi: Is there a reason Fred would have to supply you with this?

Mr. Westermann: He was the drafter.

Mr. Foldi: Do you have access to it, so if you have a source number you can just punch into a computer and pull it up, or you can't do that because it's compartmentalized?

Mr. Westermann: I didn't have the serial numbers.

Mr. Foldi: If he had given you the serial numbers would you have been able to do it?

Mr. Westermann: That's what he gave me, eventually he gave me serial numbers, and copy of material and things like that. So it was the fact that I didn't have the serial numbers to go with this.

Mr. Foldi: And those are the same serial numbers referenced in your email to him when he sent you over the material?

Mr. Westermann: That's right.

Mr. McKeon: This whole process, you stated this began on February 11th and by the afternoon of the 12th you had sent it off to the agency?

Mr. Westermann: Yes. It was, because Fred got back to me, like late afternoon on the 11th, so I picked it up the next day with Fred, in a normal working hours kind of thing.

Mr. Brannigan: On this email that you sent where you had sent your comments on that brief email you had. Did Mr. Fleitz or Mr. Bolton during the one way communication ever express to you their opinion that they felt this email by you misrepresented what you had said to the CIA?

Mr. Westermann: I think it was very clear that Mr. Bolton was quite upset that I had attempted to suggest an alternative paragraph.

Mr. Brannigan: That's one question. The second question is did either Mr. Fleitz or either Mr. Bolton, express to you the opinion that you -- that one sentence email you sent that prompted Mr. Fleitz to call you to his office with your original memo to CIA that you're little email was in some way misrepresented the actions you had taken regarding sending this stuff to CIA?

Mr. Westermann: Well I think ultimately, I was confused as to what the problem was. Because my framework was the cleared language process. And since there was an unfamiliarity on the part of the Under Secretary and perhaps, and likely Fred, there could have been a misunderstanding. But I can't say that I'm fully aware or that it was adequately expressed. You know how sometimes when there's a miscommunication people don't completely describe their misunderstanding. So I was operating under one frame of reference and perhaps they were operating under another.

Mr. Brannigan: Let me followup, also during this time, did either Mr. Fleitz or Mr. Bolton say that you had violated procedure by including your comments and suggested language in your memo?

Mr. Westermann: I believe that was part of the

overall argument is that I was doing something that was inappropriate. And that I wasn't following and doing things correctly.

Mr. McKeon: Did you respond to that?

Mr. Westermann: I tried to explain to them that I had done this process many times and I'm aware of what's required and there would be no reason for me to behave unethically or do it differently. I really know how to handle cleared language requests.

Mr. Brannigan: And did they say you -- did they use the phrase, you go behind my back. Did Mr. Bolton use that phrase?

Mr. Westermann: That does ring a bell.

Mr. Foldi: In subsequent language clearance requests did you attach INR comments at the same time you sent the language for clearance requests?

Mr. Westermann: Yes.

Mr. Foldi: So, you've continued to do this quote unquote "bad procedure". I'm not saying it's bad procedure, but other people have made that allegation.

Mr. Westermann: Yes.

Mr. Foldi: And Carol is that a problem?

Ms. Rodley: First of all I wasn't in the Bureau when this happened. But of course we've had a lot of lessons learned, kinds of conversations. And do I wish with hindsight

that Christian in his effort to speed up the process had sent Mr. Bolton's text alone and then sent his comment in a separate email 30 seconds later. Which would have the same effect in terms of the time line. Of course. Then we wouldn't be here. I'd be home having a glass of wine. Or maybe a second one at this point.

Mr. Foldi: I'm sorry. I want to steer you back to the question at hand which is does INR continue to do this and is that standard operating procedure?

Ms. Rodley: Individual analysts continue to do it. To characterize it as standard operating procedure, is I think more formal than the system that we have -

Mr. Foldi: Let me ask it one more way. Has INR forbidden analysts to do it?

Ms. Rodley: No.

Mr. McKeon: Has INR changed any procedures since this, or any other incidents of this kind? Changed procedures on this kind of thing?

Ms. Rodley: On handling language clearance requests, no not to my knowledge.

Mr. Westermann: We actually have changed one thing and that is that we did establish one person who maintains a database of all cleared language requests so that there's a record of the request and when we get a response. And so that was one additional change.

Mr. McKeon: Did you handle any additional cleared language requests from Mr. Bolton's office before February '02 in this matter?

Mr. Westermann: No.

Mr. McKeon: What was your rank in 2001?

Mr. Westermann: I was a GS-14.

Mr. McKeon: You're still a 14. Did you go up every step you were supposed to?

Mr. Westermann: Yes, I received outstandings on my performance reports.

Mr. McKeon: Have you received any awards?

Mr. Westermann: I've received numerous awards.

Mr. McKeon: Have you received the BUG award?

Mr. Westermann: I've received the BUG award, I've received a special personal award from Carl Ford. But I've received group awards, I've received meritorious assignor awards from the department. Subsequent. I've received an award for terrorism, I've received an award for my involvement with Operation Iraqi Freedom. I've received an award for my efforts to combat proliferation throughout the world.

Mr. McKeon: Do any of these awards have cash affiliated with them?

Mr. Westermann: Yes I've been awarded cash awards.

Mr. McKeon: I don't know how the Civil Service works from 14 to 15, have you been up for a promotion from 14

to 15 at any time?

Mr. Westermann: I'm meeting the full performance level of my particular position.

Mr. Jannuzi: Those slots only go to 14 Brian.

Mr. Westermann: Or my position description would have to be re-written as a 15. I'm currently performing at my full performance level. I have been offered a position -- I was offered a position to become the Deputy National Intelligence Officer, at the National Intelligence Council for CBW issues. Which is at the grade of 15, but I turned it down.

Mr. Brannigan: In your subsequent -- in the first subsequent performance evaluation by your superiors after this incident, was this incident brought up?

Mr. Westermann: No. This incident has not been mentioned in any performance evaluation. As I said earlier I have received outstandings in my performance evaluations.

Mr. McKeon: What was the terms of your discharge from the Navy?

Mr. Westermann: Honorable. I received the Defense Superior Service Medal from Secretary Cohen for exceptionally meritorious service to the United States Navy.

Mr. McKeon: This may get a little -- strike you as a little personal but this is a tough business. Do you have any convictions for any misdemeanor or failings?

Mr. Westermann: No.

Mr. McKeon: Have you ever been charged with any?

Mr. Foldi: What's the relevance?

Mr. McKeon: I don't know if there's somebody that's out there that somebody may use to try to use against Mr. Westermann to impeach his credibility.

Mr. Westermann: I served honorably in the U.S. Navy, I've served under hostile fire. I've been responsible for men's lives. I've served in brand new positions abroad, doing arms control inspections I've been in unique positions in the Navy. I've been hand selected. I was a special assistant to a Marine General later, the Vice Commandant of the Marine Corps.

Mr. McKeon: Who was that?

Mr. Westermann: General Jack Daley. I was also the Ambassador Ralph Rowe's Special Assistant in the arms control disarmament agency, hand selected for that.

Mr. Blinken: You don't have to answer this, but can you tell us why you turned down the job you were offered, and again don't feel pressured.

Ms. Rodley: It's because you loved working in INR so much.

(Laughter).

Mr. Westermann: Carol knows INR, I couldn't imagine going anywhere else. Let's just say the offer is still on the table.

Mr. McKeon: At any time in your tenure with INR, have you other than this episode felt political pressure either from your superiors in INR policy makers to alter intelligence judgments?

Mr. Westermann: No.

Mr. Levine: A question for Carol. One of the things we've been discussing here is the procedure, be it written or oral tradition for handling these requests. Is it common to ask the person submitting a request to provide more detailed source numbers, so that the demarche co-ordinator won't have any difficulty figuring out where things come from?

Ms. Rodley: As I said before I not only don't deal with these daily. These seldom come to me. Maybe once in six months do I get involved in these. But what I do know of the process is that it's very common for there to be a conversation with the requesting office and that conversation could include suggestions back and forth with the language, and it could easily include requests for reference serial numbers. That does not strike me as at all out of the ordinary.

Mr. O'Connell: Can I just pursue something that is slightly different. Did Mr. Bolton's office -- you talked about much of the intelligence that is in your world as being SIGINT intelligence. Did Mr. Bolton often request NSA intercept information, and if he did, would the request have

gone through INR?

Mr. Brown: How does that relate to this issue? Why don't you ask Mr. Bolton that?

Mr. O'Connell: Because he's here. And I'm going to ask Mr. Bolton, but do I have to call him back after I ask Mr. Bolton?

Mr. Brown: You can ask Mr. Bolton on Monday. Also we're getting into areas that are outside -

Mr. O'Connell: I'm not asking what he's asked. All I'm asking is did he ask for -

Mr. Brown: The kind of intelligence he asked for, is that an appropriate issue for a classified deposition.

Mr. McKeon: Let's go off the record, for a minute.

(Off record)

Mr. McKeon: Let's go back on the record.

Mr. Jannuzi: Let me go back to January, I guess it was January '01 there was a WINPAC senior executive memo.

Mr. Brown: '01?

Mr. Jannuzi: I'm sorry '02, a January WINPAC memorandum addressing BW programs in Cuba. Were you aware of that memo and was that part of the material that formed the basis of the material that they wanted to have cleared and declassified for use in the speech?

Mr. Westermann: The way you described this senior executive memo, it is hard for me to properly place it. So

I'm not so sure I would be able to answer the question.

Mr. Jannuzi: Ordinarily would classified product that Mr. Bolton used for instance, or Mr. Fleitz used for the speech drafting process come through INR, or would you receive such material through other channels directly from other intelligence agencies and you only learned about it later?

Mr. Westermann: I think Fred was a conduit for Mr. Bolton to receive other information, I know there are a couple of times that he goes back to CIA and he picks up things out there and whatever. So I'm sure there were times that materials flowed from other agencies to Under Secretary Bolton not through INR, but I'm not so sure that that necessarily violated anything. As long as those documents resided in the right place at the right time, and were couriered and handled properly. But I know I did have some correspondence with Fred at one time, about hey you know you can send this out to me at CIA or something because I'll be there tomorrow morning, and I'll pick it up there.

Mr. Jannuzi: And those documents would normally reside in a safe in your office, in the SPM office?

Mr. Westermann: You this opens up a whole other long history which I would have to admit that I'm not the best person, but there was a period of time when INR was the only place where code level word documents could reside overnight in properly secured safes. And then there was a period when

we had certain -- there was a request that conference rooms were turned into specially secured working areas to conform with the DSCD, so code word level material could be maintained in those rooms, and read and reviewed. And so we did that. And then there was another period of time that went by where some of these facilities, these SWAS, a safe was moved in and they were certified for the overnight storage of code word material and so there was a progression. And there were people involved in that. And I was aware of some of this because all analysts would have to be aware of where they can carry and take and read, and store, and handle code word level documents.

Mr. Jannuzi: And in your experience in working with Mr. Fleitz or Mr. Bolton, did you ever experience mistakes being made in the handling of classified material by Mr. Fleitz or Mr. Bolton? Safes maybe not properly secured at the end of the day, or code word documents residing in non-code word safes in their offices?

Mr. Westermann: I have no direct knowledge of that.

Mr. Foldi: I are we pretty much done here.

[Whereupon the hearing adjourned at 7:30]